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PENNSYLVANIA BULLETIN

Volume 40

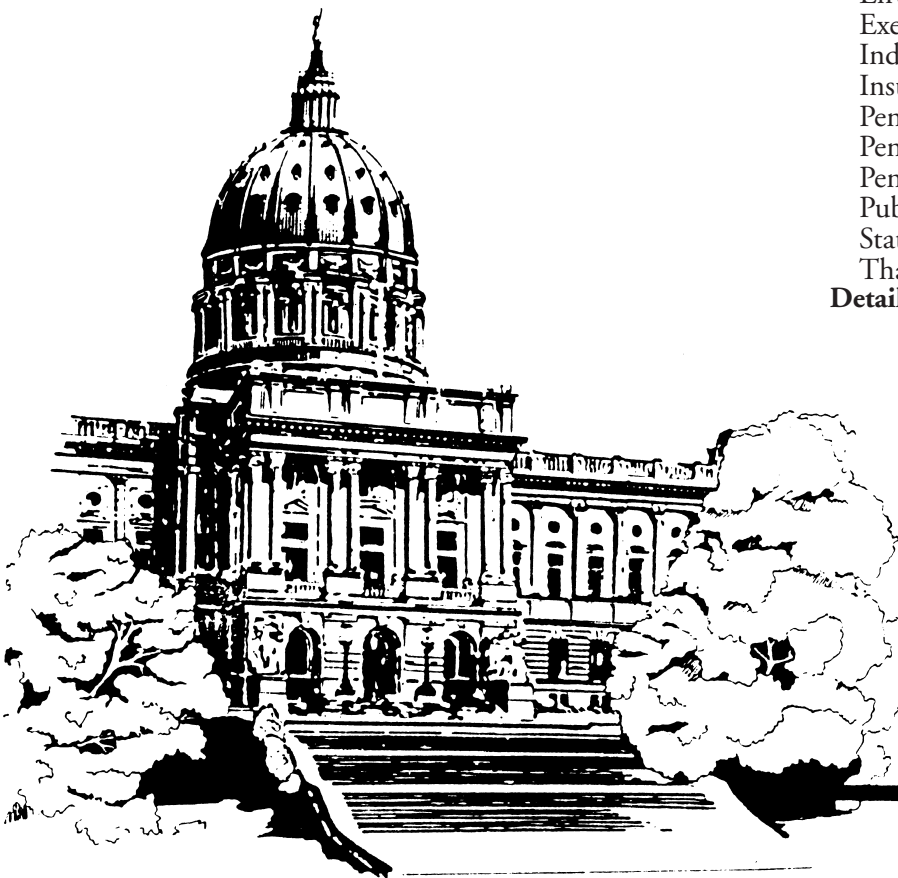
Number 15

Saturday, April 10, 2010 • Harrisburg, PA

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**Latest Pennsylvania Code Reporters
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No. 425, April 2010

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2010.

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THE GENERAL ASSEMBLY

Recent Actions during the 2010 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2010 Regular Session.

| <i>Doc. No.</i> | <i>Date of Action</i> | <i>Bill Number</i> | <i>Printer's Number</i> | <i>Effective Date</i> | <i>Subject Matter</i> |
|---|---------------------------|------------------------|-----------------------------|---------------------------|---|
| 2010 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 016 through 017 | | | | | |
| 016 | Mar 29 | HB0421 | PN0465 | 60 days | Duboistown Bridge—designation |
| 017 | Mar 29 | HB0526 | PN3169 | 120 days | Model Act for the Regulation of Credit Life Insurance and Credit Accident and Health Insurance—premiums and refunds |

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$25.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, accompanied by a check or money order in the sum of \$25, payable to the "Commonwealth of Pennsylvania."

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 10-628. Filed for public inspection April 9, 2010, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 83]

In Re: Amendment of Rule 219 of the Rules of Disciplinary Enforcement; No. 88; Disciplinary Rules

Order

Per Curiam:

And Now, this 25th day of March, 2010, upon the recommendation of the Disciplinary Board of the Supreme Court of Pennsylvania; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement is amended as follows.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2010.

PATRICIA NICOLA,
Chief Clerk

Supreme Court of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 219. Periodic assessment of attorneys; voluntary inactive status.

* * * * *

(d) On or before July 1 of each year all persons required by this rule to pay an annual fee shall file with the Attorney Registration Office a signed form prescribed by the Attorney Registration Office in accordance with the following procedures:

(1) The form shall set forth:

* * * * *

(vi) Whether the attorney is covered by professional liability insurance on the date of registration in the minimum amounts required by Rule of Professional Conduct 1.4(c). Rule 1.4(c) does not apply to attorneys who do not have any private clients, such as attorneys in full-time government practice or employed as in-house corporate counsel.

Official Note: The Disciplinary Board will make the information regarding insurance available to the public upon written or oral request and on its web site. The requirement of Rule 219(d)(3) that every attorney who has filed an annual registration

form must notify the Attorney Registration Office in writing of any change in the information previously submitted within 30 days after such change will apply to the information regarding insurance.

[(vi)] (vii) Such other information as the Attorney Registration Office may from time to time direct.

* * * * *

[Pa.B. Doc. No. 10-629. Filed for public inspection April 9, 2010, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 3000]

Proposed Amendment of Rule 3129.2 Governing Advertising of Sheriff's Sales; Proposed Recommendation No. 245

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 3129.2 governing advertising of sheriff's sales be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania. All communications in reference to the proposed recommendation should be sent no later than May 28, 2010, to:

Karla M. Shultz
Counsel

Civil Procedural Rules Committee
601 Commonwealth Avenue
Suite 6200

P. O. Box 62635
Harrisburg PA 17106-2635

fax (717) 231-9526
civil.rules@pacourts.us

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 3129.2. Notice of sale; handbills; written notice; publication.

* * * * *

(d) Notice containing the information required by subdivision (b) shall also be given by publication by the plaintiff on the writ of execution or by the sheriff at the request of the plaintiff on the writ of execution once a week for three successive weeks in [a] one newspaper of general circulation in the county and in the legal publication, if any, designated by rule of court for publication of notices, the first publication to be made not less than twenty-one days before the date of sale. No additional publication may be required.

* * * * *

Explanatory Comment

Current Rule 3129.2(d) requires that notice of a sheriff's sale be advertised in: (1) a newspaper of general circulation; and (2) a legal publication if one has been designated by local rule of court for publication of notices. It has been reported that certain counties are requiring publication of the notice of sheriff's sale in multiple newspapers. This additional publication, which is not required by Rule 3129.2, can significantly increase costs imposed for sheriff's sales. The amendment to Rule 3129.2 clarifies the intent of the rule by adding a sentence to subdivision (d) stating that advertising of a sheriff's sale is required in only one newspaper of general circulation.

Subdivision (d) is also being amended to allow the notice of sheriff's sale to be given by publication by the plaintiff on the writ of execution or by the sheriff at the request of the plaintiff on the writ of execution.

By the Civil Procedural Rules Committee

STEWART L. KURTZ,
Chair

[Pa.B. Doc. No. 10-630. Filed for public inspection April 9, 2010, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FOREST COUNTY

**In Re: Rule 1604B of the Rules of Juvenile Court
Procedure; Miscellaneous Doc. 16 of 2010**

Administrative Order

And Now, this 15th day of March, 2010, pursuant to newly enacted Rule 1604B of the Rules of Juvenile Court Procedure, the President Judge hereby appoints the Court Administrator as designee to receive reports of a foster parent, pre-adoptive parent or relative providing care for a child, submitted regarding the child's adjustment progress and condition for view by the Court in dependency hearings.

The report to the herein appointed designee shall be submitted at least seven (7) days prior to the hearing. The Court Administrator, upon receipt, shall promptly distribute the report to the Judge before whom the hearing will be held, but no later than within one (1) business day of receiving the report. The Court Administrator shall further file a copy of the report with the Clerk of Courts and distribute copies to the attorneys, parties, and if one is appointed, to the Court Appointed Special Advocate. This order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the Unified Judicial System (UJS) Portal.

By the Court

MAUREEN A. SKERDA,
President Judge

[Pa.B. Doc. No. 10-631. Filed for public inspection April 9, 2010, 9:00 a.m.]

LAWRENCE COUNTY

Re: Register of Wills; O.C. of 90115-09 ADM

**PETITION
TO INCREASE FEES for REGISTER OF
WILLS OFFICE
(Pursuant to 42 P. S. § 21022.1)**

To the Honorable Dominick Motto, President Judge of the Said Court:

The petition of Janet L. Kalajainen, Register of Wills of Lawrence County respectfully represents that:

1. Petitioner is a duly elected Register of Wills of Lawrence County, a fifth class county.

2. The Register of Wills office is a user fee-based office in that it is funded by and through the collection of fees for documents filed.

3. Fees collected for filing documents in the office of Register of Wills have not been raised since a signed Court Order in 1990.

4. Costs of operating the office have continued to increase steadily since the previous bill was adopted by this Court.

5. The Pennsylvania Legislature, by enacting Act 69 of 1993 to amend 1981 P.L. 1 93, No. 58 (See attached legislation), empowered the Registers of Wills to establish, increase, decrease, modify or eliminate fees and charges with the approval of the President Judge of their respective counties.

6. David Cleaver, solicitor for the Registers of Wills and Clerks of Orphans' Court Association of Pennsylvania, has opined that, under current legislation which authorizes Registers of Wills to establish, increase, decrease, modify or eliminate fees and charges with the approval of the President Judge, all Registers of Wills may institute a fee for automation.

7. All fees collected under this automation fee are to be deposited into a special fund established by the county for the exclusive use of the Register of Wills. Monies in the special fund shall be used by the Register of Wills solely for the purposes of computerization, modernization, document reproduction or other records management costs within the office of Register of Wills. All expenditures from the account must be made at the request of the Register of Wills with the approval of the President Judge and must follow normal procurement procedures as established by the county.

Wherefore, your Petitioner, Janet L. Kalajainen, Register of Wills of Lawrence County, Pennsylvania, respectfully requests the Court to authorize the following schedules of fees and costs as proposed for the office of Register of Wills of Lawrence County for adoption by this Court.

JANET L. KALAJAINEN,
Register of Wills

**COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF LAWRENCE } SS:**

JANET L. KALAJAINEN, Register of Wills of Lawrence County, Pennsylvania, being duly sworn according to law, deposes and says that the facts set forth in the foregoing Petition are true and correct to the best of her knowledge, information, and belief.

Sworn to and subscribed before me this
4th day of December, 2009.

**IN THE COURT OF COMMON PLEAS OF
LAWRENCE COUNTY, PENNSYLVANIA ORPHANS'
COURT DIVISION**

**RE: REGISTER OF WILLS : O.C. No.
ADMINISTRATIVE ORDER**

And Now, this 4th day of December 2009, pursuant to the provisions of 42 P.S. § 21022.1, the fee bill of the Register of Wills of Lawrence County, Pennsylvania is amended as indicated on the proposed fee bill attached to the foregoing Petition.

The JCS/ATJ fee has a mandatory effective date of December 8, 2009. All other provisions of the fee schedule will become effective January 2, 2010 upon due advertisement as required by the PA Rules of Court.

It Is Further Ordered that the Court shall:

(a) File seven (7) certified copies of this Administrative Order with the AOPC;

(b) File two (2) certified copies of this Administrative Order and one (1) diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

(c) File one (1) certified copy of this Administrative Order with the PA Supreme Court Orphans' Court Rules Committee;

(d) Forward one (1) copy of this Administrative Order to be published in the *Lawrence County Law Journal*;

(e) Forward one (1) copy of this Administrative Order to the Lawrence County Law Library; and

(f) Keep continuously available for public inspection copies of this Administrative Order in the Lawrence County Register of Wills Office and the office of the Court Administrator.

By the Court

HONORABLE DOMINICK MOTTO,
President Judge

**Lawrence County Register of Wills
FEE SCHEDULE
Effective January 1, 2010**

Note: All Probate and first filings must be accompanied by a Death Certificate

PROBATE OF WILL (Without Letters)

| | |
|---|----------|
| PA Judicial Computer System/Access to Justice fee | \$ 23.50 |
| Automation Fee | \$ 10.00 |
| Last Will and Testament | \$ 40.00 |

GRANTING LETTERS TESTAMENTARY and LETTERS OF ADMINISTRATION

| | |
|---|----------|
| Pa Judicial Computer System/Access to Justice fee | \$ 23.50 |
| Automation Fee | \$ 10.00 |
| Will/Codicil | \$ 20.00 |

FOR ESTATE VALUES:

| | |
|--|------------|
| NOT EXCEEDING \$5000.00..... | \$ 40.00 |
| From \$5,001.00 to \$10,000.00..... | \$ 60.00 |
| From \$10,001.00 to \$20,000.00..... | \$ 70.00 |
| From \$20,001.00 to \$30,000.00..... | \$ 80.00 |
| From \$30,001.00 to \$40,000.00..... | \$ 90.00 |
| From \$40,001.00 to \$50,000.00..... | \$ 100.00 |
| From \$50,001.00 to \$75,000.00..... | \$ 120.00 |
| From \$75,001.00 to \$100,000.00..... | \$ 150.00 |
| Each additional \$100,000.00 or fraction thereof | \$ 100.00 |
| First \$1 million | \$1,000.00 |
| Each additional \$100,000.00 or fraction thereof | \$ 100.00 |

• Where the gross value of an estate has been underestimated on the Petition for Letters, a bill for Addition Probate Fees will be rendered for the balance due.

• Additional Probate Fees will be due and payable within thirty (30) days from the date of the billing statement. Any balances more than thirty (30) days in arrears will be charged interest at the rate of 1% per month.

• All fees must be paid in full before any finalization/estate settlement will be accepted for filing.

| | |
|--|----------|
| RENUNCIATIONS—per signature | \$ 5.00 |
| SHORT CERTIFICATES—each | \$ 5.00 |
| CODICIL | \$ 20.00 |
| LETTERS (Administration DBN & DBN CTA) | \$ 40.00 |

| | |
|---|----------|
| PETITIONS (i.e. Petition to Compel Administration) | \$ 25.00 |
| Citations—each | \$ 20.00 |
| Certified Mail—each | \$ 10.00 |
| ANCILLARY LETTERS (Follow regular estate fee schedule based on PA assets only.) | |
| AFFIDAVIT OF DEATH | \$ 10.00 |
| AMENDMENT TO PROBATE | |
| Within 3 months from date of probate (Petition to the Register of Wills) | \$ 30.00 |
| After 3 months from date of probate (Petition to Orphans' Court) | |
| APPEAL FROM REGISTER (Filed in Orphans' Court) | |
| AUTOMATION FEE | \$ 10.00 |
| To be charged on all first filings requiring JCS/ATJ fee | |
| BOND | \$ 20.00 |
| CAVEAT (filing and entering) + Bond | \$ 25.00 |
| CERTIFICATION OF RECORD (w/cover sheet & gold seal) | \$ 10.00 |
| + per page certified | \$ 3.00 |
| CERTIFICATION OF INHERITANCE TAX PAID | |
| Issuing Certificate to another county | \$ 20.00 |
| Filing from another county | \$ 10.00 |
| CITATIONS—each | \$ 20.00 |
| Certified Mail—each | \$ 10.00 |
| CLAIMS AGAINST ESTATE (filed in Orphans' Court) | |
| Copy filed with Register of Wills | \$ 10.00 |
| COMMISSION TO ADMINISTER OATH | \$ 25.00 |
| DISCLAIMER OF BENEFICIAL INTEREST (filed in Orphans' Court) | |
| ELECTION TO TAKE AGAINST WILL (filed in Orphans' Court) | |
| EXEMPLIFICATION—ISSUING & FILING | \$ 30.00 |
| + per page | \$ 3.00 |
| FAMILY SETTLEMENT AGREEMENT | \$ 50.00 |
| FINAL ACCOUNT (filed in Orphans' Court) | |
| INVENTORY | \$ 20.00 |
| INHERITANCE TAX RETURN | \$ 20.00 |
| MISCELLANEOUS FILINGS | \$ 10.00 |
| PRAECIPE OF APPEARANCE | \$ 10.00 |
| PRAECIPE OF WITHDRAWAL | \$ 10.00 |
| RECEIPT AND RELEASE per legatee | \$ 10.00 |
| REGISTER'S HEARINGS | \$ 50.00 |
| <i>(If Court Reporter is requested, it's at Attorney's expense.)</i> | |
| Citations—each | \$ 20.00 |
| Certified Mail—each | \$ 10.00 |
| RESEARCH FEE | |
| Per name—per record searched | \$ 5.00 |
| + per page copied | \$.50 |
| Screen shots and docket entries—per page | \$ 1.00 |
| By mail—postage and handling | \$ 2.00 |
| RETURNED CHECKS | |
| Re-processing fee | \$ 30.00 |
| + original amount (Cashier's checks only) | |
| SMALL ESTATES AFFIDAVIT | \$ 25.00 |
| STIPULATION | \$ 25.00 |
| SUPOENA | \$ 10.00 |
| WAIVER | \$ 10.00 |

NOTE: If a fee is not specifically listed, the Register of Wills shall make the same charge as that imposed for other services of a similar nature.

[Pa.B. Doc. No. 10-632. Filed for public inspection April 9, 2010, 9:00 a.m.]

MONROE COUNTY

Re: Administrative Order 2010.22; No. AD 22; 05-CV-2010

Order

And Now, this 19th day of February, 2010, pursuant to the authority contained in Pa.R.J.A. No. 1901—*Prompt Disposition of Matters; Termination of Inactive Cases, It Is Ordered* that the following procedures shall be utilized to ensure a policy is in place to govern the disposal of such cases of the Magisterial District Courts within the Forty-Third Judicial District.

It Is Further Ordered that seven (7) certified copies of this Order shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania; publish a copy of the local rule on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>; one copy to the *Monroe County Legal Reporter* for publication, and that one copy shall be filed with the Prothonotary—Civil—of the Court of Common Pleas of Monroe County.

1. General Policy

(A) In accordance with Pa.R.J.A. No. 1901(c)(2) notification will be made for each case where a matter has been inactive for an unreasonable period of time.

(B) Before any order terminating a matter on the ground of unreasonable inactivity is entered, the parties shall be given at least 30 days' written notice of opportunity for hearing on such proposed termination.

(i) Written notification to be made by publication in *The Monroe Legal Reporter*, designated by rule of court for the publication of legal notices where the docket of the matter shows no evidence of activity during the previous five years.

(ii) To dispose of inactive cases a district court will physically pull each case from their files and box the cases in numerical docket order for archiving. The office will then prepare a cover letter attaching a list of all cases. The magisterial district judge will sign the cover letter and initial each page of the list. This paperwork is sent to the magisterial district judge court administrator's office for review and to attach an order to dismiss.

(C) After a Common Pleas judge reviews the matter and issues a court order, it is recorded in the Clerk of Courts office and the order is forwarded to the district court.

(D) Once the Order to Dismiss is recorded the files are kept for 3 years from the date of filing of the court order.

(E) A copy of the Order to Dismiss must be attached to each case file along with the corresponding page listing the docket number.

The effective date of this Order shall be May 1, 2010.

By the Court

RONALD E. VICAN,
President Judge

[Pa.B. Doc. No. 10-633. Filed for public inspection April 9, 2010, 9:00 a.m.]

SULLIVAN COUNTY

In Re: Administrative Order Designating the District Court Administrator under Pa.R.J.C.P. 1604(B) to Receive Reports Regarding Adjustment, Progress and Condition of a Child; No. 2010CV-82

Order of Court

And Now, the 1st day of March, 2010, *It Is Ordered* that the District Court Administrator of the 44th Judicial District is named as the designee to receive reports regarding a child's adjustment, progress and condition pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 6336.1(b).

By the Court

RUSSELL D. SHURTLEFF,
President Judge

[Pa.B. Doc. No. 10-634. Filed for public inspection April 9, 2010, 9:00 a.m.]

WARREN COUNTY

In Re: Rule 1604B of the Rules of Juvenile Court Procedure; Miscellaneous Doc. 13 of 2010

Administrative Order

And Now, this 15th day of March, 2010, pursuant to newly enacted Rule 1604B of the Rules of Juvenile Court Procedure, the President Judge hereby appoints the Court Administrator as designee to receive reports of a foster parent, pre-adoptive parent or relative providing care for a child, submitted regarding the child's adjustment progress and condition for view by the Court in dependency hearings.

The report to the herein appointed designee shall be submitted at least seven (7) days prior to the hearing. The Court Administrator, upon receipt, shall promptly distribute the report to the Judge before whom the hearing will be held, but no later than within one (1) business day of receiving the report. The Court Administrator shall further file a copy of the report with the Clerk of Courts and distribute copies to the attorneys, parties, and if one is appointed, to the Court Appointed Special Advocate. This order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the Unified Judicial System (UJS) Portal.

By the Court

MAUREEN A. SKERDA,
President Judge

[Pa.B. Doc. No. 10-635. Filed for public inspection April 9, 2010, 9:00 a.m.]

WYOMING COUNTY

In Re: Administrative Order Designating the District Court Administrator under Pa.R.J.C.P. 1604(B) to Receive Reports Regarding Adjustment, Progress and Condition of a Child; No. 2010-357

Order of Court

And Now, the 1st day of March, 2010, *It Is Ordered* that the District Court Administrator of the 44th Judicial District is named as the designee to receive reports regarding a child's adjustment, progress and condition pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S. § 6336.1(b).

By the Court

RUSSELL D. SHURTLEFF,
President Judge

[Pa.B. Doc. No. 10-636. Filed for public inspection April 9, 2010, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT****Notice of Suspension**

Notice is hereby given that Cara E. Gruszecki, a/k/a Cara Gruszecki-Smalley, having been suspended from the practice of law in the State of Tennessee by Order of the Supreme Court of Tennessee filed July 30, 2009, the Supreme Court of Pennsylvania issued an Order dated March 25, 2010, suspending Cara E. Gruszecki, a/k/a Cara Gruszecki-Smalley from the practice of law in this Commonwealth for a period of 6 months, effective April 24, 2010. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 10-637. Filed for public inspection April 9, 2010, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 252]

Environmental Laboratory Accreditation

Order

The Environmental Quality Board (Board) amends 25 Pa. Code Chapter 252 (relating to environmental laboratory accreditation). The final-form rulemaking clarifies existing requirements, eliminates unnecessary requirements and proposes additional requirements necessary for laboratory accreditation. The final-form rulemaking also revises the fee structure found in 25 Pa. Code § 252.204 (relating to fees).

This proposal was adopted by the Board at its meeting of December 15, 2009.

A. *Effective Date*

These final-form rulemaking amendments will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

For further information, contact Aaren S. Alger, Chief, Laboratory Accreditation Program, P. O. Box 1467, Harrisburg, PA 17105-1467, (717) 346-8212; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) web site, <http://www.dep.state.pa.us>.

C. *Statutory Authority*

This final-form rulemaking is being made under the authority of 27 Pa.C.S. § 4103(a) (relating to establishment of program), which directs the Department to establish an accreditation program for environmental laboratories, 27 Pa.C.S. § 4104 (relating to powers and duties) which directs the Department to establish, administer and enforce an environmental laboratory accreditation program (Program) which includes the standards necessary for a state certification program, 27 Pa.C.S. § 4105 (relating to powers and duties of Environmental Quality Board), delegating the Board the power to adopt the regulations of the Department to implement 27 Pa.C.S. §§ 4101—4113 and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), authorizing and directing the Board to adopt regulations necessary for the proper performance of the work of the Department.

D. *Background and Purpose*

The regulations governing environmental laboratory accreditation in Chapter 252 became effective on January 28, 2006. While completing the first round of laboratory assessments under these regulations, the Program discovered various provisions that are unclear or where the rules are overly restrictive and cost prohibitive to the regulated community. The Program also determined that several necessary standards for accreditation were missing.

Under 27 Pa.C.S. § 4104(6), the accreditation fees must be "in an amount sufficient to pay the Department's cost of implementing and administering the accreditation program." In addition, § 252.204(b) requires the Department to recommend to the Board regulatory changes to the accreditation fees every 3 years to address any disparity between the Program income generated by the fees and Program costs. In accordance with this requirement, the Program performed a workload analysis to evaluate the costs associated with the Program. Based on this workload analysis, the Department determined that the accreditation fees in § 252.204 were not sufficient to recover the Department's costs to implement the Program. These final-form regulations provide a new fee structure to cover the costs of the Program.

The Department worked with the Laboratory Accreditation Advisory Committee (LAAC) to amend Chapter 252 in a manner that ensures appropriate requirements for environmental laboratory accreditation. The Department and the LAAC ensured that the interests, concerns and needs of the regulated community were considered and implemented as appropriate. The LAAC met throughout 2008 and 2009 to review and comment on the Chapter 252 amendments presented by the Department. On September 10, 2009, the LAAC unanimously voted to recommend the final-form Chapter 252 amendments for presentation to the Board.

E. *Summary of Changes Made in the Final-form Rulemaking*

Subchapter A. General Provisions

§ 252.1 (relating to definitions). At final rulemaking, the term and definition for "laboratory notebook" was reinstated throughout the chapter in response to a comment by the Independent Regulatory Review Commission (IRRC) concerning recordkeeping format. A definition for proficiency test reporting limit was also added at final rulemaking. This definition was necessary because the proposed NELAC Institute (TNI) standard does not mandate that proficiency testing samples be evaluated to this level. This term was used in § 252.501 (relating to proficiency test study requirements).

§ 252.5 (relating to NELAP/TNI equivalency). The requirement of NELAP or TNI laboratories to adhere to the provisions of Subchapter E (relating to proficiency test study requirements) was included at final rulemaking. Because TNI's proposed standard does not require NELAP laboratories to meet the Safe Drinking Water Act (SDWA) requirements, it was necessary for the Department to include this requirement at final rulemaking.

Subchapter B. Application, Fees and Supporting Documents

§ 252.205 (relating to out-of-State laboratories). At final rulemaking, all of the terms "accrediting authority" were changed to "accreditation body" to be consistent with the terms used by TNI. The requirement for secondarily accredited laboratories to submit copies of their proficiency testing studies was deleted.

Subchapter C. General Standards for Accreditation

§ 252.301 (relating to laboratory supervisor). Clarification was made at final rulemaking to subsection (g) to specify that a temporary absence of a laboratory supervisor requires notification to the Department within 30 calendar days.

§ 252.304 (relating to personnel requirements). Based on comments received the Department revised § 252.304 to include specific recordkeeping requirements that laboratories must meet to demonstrate that an analyst has demonstrated capability. Additionally, the requirement of a new member of a work cell to work with an experienced member of the work cell has been deleted from the proposed rulemaking.

§ 252.306 (relating to equipment, supplies and reference materials). Editorial changes were made to this section at final rulemaking, such as changing all of the terms “standardization” to “calibration.” Subsection (h) was amended to specify that the laboratory may choose to use reagents, standards or reference materials past their expiration dates as long as they are reevaluated and validated by a procedure approved by the Department. The Department will evaluate each laboratory-developed procedure on a case-by-case basis and determine acceptability.

Subchapter D. Quality Assurance and Quality Control Requirements

§ 252.401 (relating to basic requirements). Subsections (j), (k) and (m) were amended at final rulemaking by making minor editorial revisions that provide greater clarity to the regulatory requirements.

§ 252.404 (relating to essential quality control requirement—microbiology). Minor editorial changes and amendments were made throughout this section at final rulemaking. These changes include reinstating the term “laboratory notebook” and clarification to subsection (g) by instructing the laboratory that a sterility blank must be filtered through each membrane filtration unit after every ten samples.

Subchapter E. Proficiency Test Study Requirements

§ 252.501 (relating to proficiency test study requirements). Subsections (n) and (o) were added at final rulemaking to specify that laboratories seeking to obtain or maintain accreditation in the drinking water matrix must also meet the proficiency testing requirements of the SDWA and 40 CFR Part 141 (relating to national primary drinking water regulations). Laboratories must also continue to report proficiency testing results to the proficiency test reporting limit (PTRL) established by the Department. These PTRLs will be published in the *Pennsylvania Bulletin*.

Subchapter G. Miscellaneous Provisions

§ 252.703 (relating to suspension). Clarification to subsection (c)(3) was made at final rulemaking to point the reader to the personnel requirements for a laboratory supervisor.

§ 252.704 (relating to voluntary relinquishment). Subsection (a) was amended at final rulemaking to specify that in addition to a laboratory wishing to voluntarily relinquish its accreditation in full, a laboratory wishing to voluntarily relinquish accreditation for a particular field of accreditation must notify the Department in writing. An editorial change was made to subsection (b) at final rulemaking to change the term “insure” to “ensure.”

§ 252.705 (relating to use of accreditation). The requirement to post the fields of accreditation listing in the laboratory was removed at final rulemaking.

§ 252.706 (relating to recordkeeping). Subsection (b) was amended at final rulemaking to include proficiency test studies, initial demonstration of capability, and demonstration of continued proficiency to those records that

must be maintained in a manner that allows reconstruction of all laboratory activities. These additions will aid the regulated community in understanding the Department’s intent. These additions do not impose additional requirements, but more clearly instruct the reader.

§ 252.708 (relating to reporting and notification requirements). Editorial changes were made throughout this section at final rulemaking. These include changing the terms “inorganic and wet chemistry” to “trace metals and inorganic nonmetals” in subsection (a)(2), adding the term “radiochemistry” to subsection (a)(3), clarifying that the laboratory supervisor notification in subsection (b) relates to a permanent change, and changing the term “accrediting authority” to “accreditation body” in subsection (f).

F. Summary of Comments and Responses on the Proposed Rulemaking

The Board approved publication of the proposed rulemaking at its April 21, 2009, meeting. The proposed rulemaking was published at 39 Pa.B. 3051 (June 20, 2009), with a 30-day public comment period. Comments were received from two commentators, including IRRC, as a result of the public comment period. Several comments were received regarding the laboratory supervisor qualifications and recordkeeping requirements. Most of the comments received were requests for clarification.

A description of the comments received and the Department’s response follows:

Laboratory Supervisor: One commentator stated that the current regulations should allow additional time to replace a laboratory supervisor. The revised regulations should extend the time to at least 90 days instead of the current 30 days to find a supervisor. Small wastewater treatment laboratories that do not have several chemists with bachelor’s degrees on staff do not have the depth to name a person on staff as a supervisor with the resignation of a supervisor. As the current “grandfathered” supervisors retire or seek other positions, or both, it will be harder for the municipal sector to quickly hire qualified applicants.

The Department disagrees with the commentator’s argument. The regulation requires designation of an alternate laboratory supervisor for temporary absences greater than 16 days but does not require that the Department be notified unless the temporary absence is greater than 30 days. An absence of a laboratory supervisor for greater than 16 days could adversely affect the quality of the data produced by the laboratory, especially in the case of a laboratory that operates 7 days a week. The Department believes that allowing a laboratory to continue to operate unsupervised for longer than 16 days would create a situation that could result in unacceptable data generation. In the case of permanent changes to a laboratory supervisor, the Department expects the laboratory to provide notification within 20 days of the change. The notification of a permanent change within 20 days allows the Department to be made aware earlier in the replacement process and available to offer guidance to the laboratory with regard to the laboratory supervisor qualification requirements.

One commentator requested that consideration should be made to allow supervisors to take a test in the laboratory methods to be certified as a supervisor. The Operator Certification Program does not have anything to do with the current job responsibilities of a laboratory supervisor. There needs to be a way to certify supervisors with a specific laboratory test to allow those with extensive experience to be qualified.

The Department agrees with the commentator. The Department is currently developing the laboratory supervisor subclassification under the Water and Wastewater Systems Operators' Certification Act (63 P.S. §§ 1001—1015.1). The provision in § 252.302(h)(2) and (3) (relating to qualifications of the laboratory supervisor) is included because the regulations authorizing the subclassification are also in the regulatory development process and are expected to be completed in the near future.

One commentator stated that the current regulations require extensive education for the laboratory supervisor or the operator's exam, stating that additional education has been added to § 252.302 to require that supervisors have 4-semester hours of general microbiology, and that now supervisors must have educational credits in microbiology as well as chemistry. Thus placing an additional burden on wastewater treatment plants that now have one person in charge of the laboratory.

The Department disagrees with the commentator. Section 252.302(d) does not include additional requirements. The Department made the educational requirements more lenient by changing the requirement for semester credit hours in "general microbiology" to "biology."

Record Retention and Documentation: One commentator stated that several sections of this chapter require record retention or recording of information, but are unclear in regard to a specific method of retention or recording and that the duration of the required retention is not set forth.

The Department agrees with the commentator. Section 252.706(d) requires that all records that are required by Chapter 252 regulations be maintained for a minimum of 5 years. The Department reinstated the definition for a "laboratory notebook" and included the phrase "in a laboratory notebook" where the proposed rulemaking deleted these phrases.

One commentator stated that § 252.304(b)(3)(vi)(F) requires labs to retain "all data necessary" to reproduce the initial demonstration of capability and suggested that the regulation include the specific recordkeeping requirements necessary to meet this requirement.

The Department agrees with the commentator. The Department added the specific documentation to be maintained by the laboratory to document initial demonstration of capability and demonstrations of continued proficiency. Section 252.706(b) requires each "environmental laboratory to maintain records that allow reconstruction of all laboratory activities associated with the testing or analysis of environmental samples." The Department added "proficiency test study samples, initial demonstrations of capability and demonstrations of continued proficiency" to this section.

General Comments: One commentator stated that the quality control requirements in the regulations are extensive. The Department should consider additional training to allow the small water and wastewater treatment plants to continue to operate their laboratories. The requirements may be forcing plants to abandon their laboratories and contract work out at a high cost to the utility customers. There needs to be a balance on quality control. There should be consideration for more outreach to help the small laboratories.

The Department agrees with the commentator. The Department continues to develop and provide training courses to assist applicant laboratories in remaining compliant with the laboratory accreditation requirements. These courses are approved for continuing education

credits for the Operators' Certification Program. Further opportunities for assistance are available through the Program's web site, direct contact with the laboratory's accreditation officer, and the onsite assessment process.

One of the commentators stated that § 252.304(b)(3)(vi)(E) allows laboratory methods used prior to January 1, 2005, to be exempt from the initial demonstration of capability and asked why this date was chosen.

The Department disagrees. This language is the same language from the January 28, 2006, version of Chapter 252; it has been relocated to this section to keep all demonstration of capability requirements located in the same section of the regulation. The January 1, 2005, date was chosen because it was 1 year before the environmental laboratory accreditation rulemaking was originally promulgated.

One of the commentators stated that under the provisions of § 252.304(b)(3)(vi)(G)(I), a new employee in a work cell must work with an experienced analyst, but does not include a specified time frame for how long this must occur.

The Department agrees with this commentator and deleted § 252.304(b)(3)(G)(I).

One of the commentators stated that § 252.304(b)(3)(vi)(G)(II) mentions "acceptable" quality control performance checks but does not instruct the regulated laboratory as to an acceptable procedure.

The Department disagrees with the commentator. The term "acceptable" refers to the requirements of the specific method, regulation, laboratory standard operating procedures, or client-specific requirement. The next sentence in this clause specifies that the quality control must meet acceptance criteria. "Acceptable quality control" is a term that is well understood by environmental laboratory personnel and must be defined in each laboratory standard operating procedure.

One of the commentators requested clarification for § 252.306(f)(9)(i), asking what is an "appropriate" method for checking delivery volumes of mechanical volumetric dispensing devices?

The Department agrees with the commentator and deleted the phrase, "using an appropriate method."

One commentator requested clarification regarding § 252.306(h)(6) and the term "Department approved procedure" used to reevaluate and validate certain materials used past their expiration date.

The wording was changed to clarify that it is not a procedure developed by the Department, but a laboratory-developed procedure that is approved by the Department. A laboratory would apply for permission by submitting a request in writing to the Department. The Department is not requiring a specific format at this time to allow laboratories the flexibility to use laboratory-developed procedures. The method for validation of an expired chemical would be dependent upon the chemical. The Department will notify the laboratory by mail of its decision.

G. Benefits, Costs and Compliance

Benefits

The most significant benefit of these final-form regulations will be the benefit of clear, concise and improved regulations for the regulated community. The final-form

amendments will allow for better understanding and increased compliance with the requirements and thus result in an improvement in the overall quality of the data produced by environmental laboratories.

Improved data quality will allow the Department, the regulated community, and the citizens of this Commonwealth to make better decisions concerning the protection of the environment and the protection of public health, safety and welfare. Accurate laboratory results are critical to achieving the goals of the environmental laws.

Compliance Costs

The direct costs of the final-form regulations will be payment of the required fees. The Department is required to set fees in an amount sufficient to cover the cost of establishing and maintaining a laboratory accreditation program. These costs will vary depending upon the type of testing and analyses that the environmental laboratory chooses to perform. Laboratories that require extensive staff time to accredit such as large commercial laboratories and NELAP laboratories will pay a higher accreditation fee. The final-form regulations contain a fee structure that is responsive to the needs of small laboratories. Categories of testing for basic drinking water parameters and for basic wastewater parameters have been increased by only \$50 per category. These smallest environmental laboratories currently pay \$1,200 annually and the final-form fee structure will require an annual fee of \$1,250. In addition, changes to the fee structure include payment of fees based on the number of matrices requested rather than a fee for a specific type of matrix. This structure allows for a laboratory performing a combination of matrices to pay a lower fee.

Compliance Assistance Plan

The final-form amendments are minor and in most cases clarify existing requirements or eliminate unnecessary requirements. As such, the Department does not believe that a compliance assistance plan tailored to the final-form regulations is necessary. However, the Department will continue its ongoing compliance assistance efforts.

The ultimate goal of the compliance assistance effort will be improving an environmental laboratory's ability to produce valid and defensible data for use by the Department, the regulated community, and the public. Several areas where compliance assistance is necessary are general laboratory operation, correct performance of specific test procedures, and documentation of laboratory activities. Compliance assistance in these areas has been made available to all environmental laboratories regardless of size throughout this Commonwealth.

H. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of the notice of proposed rulemaking, published at 39 Pa.B. 3051, to IRRC and to the House and Senate Environmental Resources and Energy Committees (Committees) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing these final-form regulations, the Department has considered all comments from IRRC, the Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act, on February 24, 2010, these final-form regulations were deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 25, 2010, and approved the final-form regulations.

J. Findings of the Board

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968, (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated there under at 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) These regulations do not enlarge the purpose of the proposal published at 39 Pa.B. 3051.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this order.

K. Order of the Board

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 252, are amended by amending §§ 252.4, 252.6, 252.202, 252.204, 252.307, 252.402, 252.403, 252.405, 252.601 and 252.707 to read as set forth at 39 Pa.B. 3051; and by amending §§ 252.1, 252.5, 252.205, 252.301, 252.302, 252.304, 252.306, 252.401, 252.404, 252.501, 252.703, 252.704, 252.706 and 252.708 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form, as required by law.

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately.

JOHN HANGER,
Chairperson
Environmental Quality Board

(Editor's Note: The amendment of §§ 252.703 and 252.704 was not included in the proposal at 39 Pa.B. 3051.)

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 40 Pa.B. 1471 (March 13, 2010).)

Fiscal Note: Fiscal Note 7-434 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VI. GENERAL HEALTH AND SAFETY

CHAPTER 252. ENVIRONMENTAL LABORATORY ACCREDITATION

Subchapter A. GENERAL PROVISIONS

§ 252.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Accreditation body—A territorial, State or Federal agency having responsibility and accountability for environmental laboratory accreditation and which grants accreditation.

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Action level—The concentration of a contaminant which, if exceeded, triggers a treatment or other requirement which a water system must follow.

* * * * *

Laboratory notebook—A chronological record of observations, results of testing or analysis, equipment maintenance or calibration or other environmental laboratory data. A laboratory notebook may be maintained in an electronic format.

* * * * *

NELAP accreditation body—An accreditation body that has been recognized as meeting the requirements of the NELAC Standard or the TNI Standard and has the authority to grant NELAP or TNI accreditation.

Nonpotable water—

(i) Any aqueous sample excluded from the definition of drinking water matrix.

(ii) The term includes wastewater, ambient water, surface water, groundwater, effluents, water treatment chemicals and leachates.

* * * * *

Primary accreditation—Accreditation received from the Department that is not based upon accreditation from another accreditation body.

Proficiency test reporting limit—The value that corresponds to the lowest acceptable result that could be obtained from the lowest spike level for each analyte in a proficiency test sample.

* * * * *

Secondary accreditation—Accreditation received from the Department based upon the accreditation status granted by another accreditation body.

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TNI—The NELAC Institute or its successor organization/Standard.

* * * * *

§ 252.5. NELAP/TNI equivalency.

(a) An environmental laboratory may apply to the Department for NELAP accreditation for the fields of accreditation for which the Department offers accreditation.

(b) An environmental laboratory seeking NELAP accreditation shall:

(1) Submit a complete application as provided in Subchapter B (relating to application, fees and supporting documents).

(2) Comply with Subchapter E (relating to proficiency test study requirements).

(3) Comply with Subchapter F (relating to onsite assessment requirements).

(4) Comply with Subchapter G (relating to miscellaneous provisions).

(5) Comply with the current edition of the NELAC Standard or TNI Standard.

(c) An environmental laboratory receiving NELAP accreditation from the Department may apply for accreditation under the remainder of this chapter for the fields of accreditation that are not included in NELAP accreditation and for which the Department offers accreditation.

(d) An environmental laboratory receiving NELAP accreditation from the Department may only test or analyze environmental samples within the fields of accreditation authorized by the accreditation received from the Department.

Subchapter B. APPLICATION, FEES AND SUPPORTING DOCUMENTS

§ 252.205. Out-of-State laboratories.

(a) Out-of-State environmental laboratories may apply for primary accreditation or secondary accreditation from the Department.

(1) *Primary accreditation*. Out-of-State environmental laboratories may apply to the Department for primary accreditation under this chapter.

(2) *Secondary accreditation*.

(i) The Department will recognize accreditation granted by a primary NELAP/TNI accreditation body for the same fields of accreditation for which the Department is a primary NELAP/TNI accreditation body.

(ii) The Department may recognize the accreditation of an environmental laboratory by another state accreditation body if the standards for accreditation are substantially equivalent to those established under this chapter and the laboratory is physically located within the state granting accreditation.

(iii) An environmental laboratory seeking secondary accreditation from the Department shall:

(A) Submit a properly completed application on forms provided by the Department.

(B) Pay the appropriate fee.

(C) Submit a copy of a valid accreditation certificate from the primary accreditation body.

(D) Submit a copy of all onsite assessment reports conducted by the primary accreditation body within the last 3 years.

(E) Submit any other material relevant to accreditation, upon request of the Department.

(b) The Department may conduct an onsite assessment or require analysis of a proficiency test study by an out-of-State environmental laboratory seeking secondary accreditation for reasons which may include addressing complaints from the public or Department personnel, discrepancies with environmental sample results, onsite assessment deficiencies, frequent errors in reporting data to the Department and suspicions of fraud regarding data quality. If the Department determines that an onsite assessment is required, the environmental laboratory shall pay the Department's travel costs associated with the onsite assessment in accordance with § 252.206 (relating to out-of-State onsite reimbursement).

(c) If any portion of the out-of-State environmental laboratory's accreditation is denied, revoked or suspended by the primary accreditation body, the laboratory's authorization to perform testing or analysis is automatically revoked for the same fields of accreditation.

Subchapter C. GENERAL STANDARDS FOR ACCREDITATION

§ 252.301. Laboratory supervisor.

(a) The Department will consider the laboratory supervisor of an environmental laboratory as the individual listed on the laboratory's application for accreditation for which the Department has reviewed and approved the individual's qualifications.

(b) Testing, analysis and reporting of data by an environmental laboratory shall be under the direct supervision of a laboratory supervisor.

(c) The laboratory supervisor shall certify that each test or analysis is accurate and valid and the test or analysis was performed in accordance with all conditions of accreditation. A laboratory supervisor may certify a test or analysis by signing the final laboratory report. A laboratory may use other mechanisms to certify a test or analysis, provided the mechanism is documented in the laboratory quality manual.

(d) The laboratory supervisor shall ensure that the records required by this chapter are maintained.

(e) The Department may disqualify a laboratory supervisor who is responsible for the submission of inaccurate test or analysis results.

(f) The Department will disqualify a laboratory supervisor convicted of any crime or offense related to violations of State or Federal laws or regulations related to the provision of environmental laboratory services or reimbursement for the services.

(g) An environmental laboratory may appoint one or more laboratory supervisors for the appropriate fields of accreditation for which they are seeking accreditation.

(h) An environmental laboratory shall designate another staff member meeting the qualifications of a laboratory supervisor to temporarily perform this function when a laboratory supervisor is absent for a period of time exceeding 16 consecutive calendar days. If this temporary absence exceeds 30 consecutive calendar days, the environmental laboratory shall notify the Department in writing under § 252.708 (relating to reporting and notification requirements).

(i) An individual may not be the laboratory supervisor of more than one environmental laboratory without authorization from the Department. Circumstances to be considered in the decision to grant the authorization will include at least the following:

(1) The extent to which operating hours of the laboratories to be supervised overlap.

(2) The adequacy of supervision in each laboratory.

§ 252.302. Qualifications of the laboratory supervisor.

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(c) A laboratory supervisor of an environmental laboratory engaged in microbiological or biological analysis shall have the following qualifications:

(1) A bachelor's degree in chemistry, biochemistry, physics, environmental science, biology, microbiology, physical sciences or engineering.

(2) At least 16-college semester credit hours in general microbiology or biology.

(3) At least 2 years of experience in the testing or analysis of environmental samples in representative microbiological or biological fields of accreditation for which the environmental laboratory seeks to obtain or to maintain accreditation. A master's or doctoral degree in chemistry, biochemistry, physics, environmental science, biology, microbiology, physical sciences or engineering may be substituted for 1 year of experience.

(d) A laboratory supervisor of an environmental laboratory engaged in microbiological analysis limited to fecal coliform, total coliform and heterotrophic bacteria shall have the following qualifications:

(1) At least an associate's degree in chemistry, biochemistry, physics, environmental science, biology, microbiology, physical sciences or engineering.

(2) A minimum of 4-college semester credit hours in biology.

(3) At least 2 years of equivalent and successful college education, including a minimum of 4-college semester credit hours in biology may be substituted for the associate's degree.

(4) At least 2 years of experience in the testing or analysis of environmental samples in representative fields of accreditation for which the environmental laboratory seeks to obtain or to maintain accreditation.

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§ 252.304. Personnel requirements.

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(b) *Laboratory management responsibilities.* The environmental laboratory management shall be responsible for:

(1) Defining the minimal level of qualification, experience and skills necessary for all positions or work cells in the environmental laboratory.

(2) Ensuring and documenting that the environmental laboratory technical staff members or work cells have demonstrated capability in the activities for which they are responsible. This documentation must include:

(i) An identification of the analysts involved in the preparation or analysis, or both.

(ii) The sample matrix.

(iii) The analyte, class of analyte, or measured parameter.

(iv) An identification of the test method performed.

(v) An identification of the laboratory-specific standard operating procedure used for analysis, including revision number and effective date.

(vi) The dates of preparation or analysis, or both.

(vii) The summary of analyses, including results.

(3) Ensuring and documenting that the training and competency of each member of the environmental laboratory technical staff is kept up to date by maintaining records demonstrating the following:

(i) That each employee has read, understood and is using the latest version of the environmental laboratory's quality manual that relates to each employee's job responsibilities.

(ii) That each employee has read, understood and is using the latest versions of the environmental laboratory's standard operating procedures that relate to each employee's job responsibilities.

(iii) Participation in training courses or workshops on specific equipment, analytical techniques or laboratory procedures that relate to each employee's job responsibilities.

(iv) Participation in training courses in ethical and legal responsibilities including the potential liabilities for improper, unethical or illegal actions.

(v) That each employee has read, understood and acknowledged his personal ethical and legal responsibilities including the potential punishments and penalties for improper, unethical or illegal actions.

(vi) An initial demonstration of capability for each method that relates to the employee's job responsibilities has been performed. The initial demonstration of capability requirements are as follows:

(A) An initial demonstration of capability is required prior to the use of any method.

(B) An initial demonstration of capability shall be completed each time there is a change in instrument type, personnel or method.

(C) An initial demonstration of capability must include all sample preparation and analytical steps contained in the method.

(D) If the method or State or Federal regulations specify a procedure for the initial demonstration of capability, that procedure shall be followed; otherwise, an initial demonstration of capability shall be performed as follows:

(I) The analyte shall be diluted in a volume of clean matrix sufficient to prepare four aliquots at the concentration specified in the method. If the method does not specify a concentration, the concentration must be approximately ten times the detection limit.

(II) At least four aliquots of the quality control sample shall be prepared and analyzed according to the method.

(III) Using all of the results, calculate the mean recovery and the standard deviation of the mean recovery for the population sample in the same units used to report environmental samples. When it is not possible to determine mean and standard deviation, such as for presence-absence and logarithmic values, the environmental laboratory shall assess method performance using criteria from the method or other established and documented criteria.

(IV) Compare the information from subclause (III) to the corresponding acceptance criteria for precision and

accuracy in the method. To be considered acceptable, an initial demonstration of capability must meet all acceptance criteria.

(E) When a method has been in use by an environmental laboratory prior to January 1, 2005, and there have been no changes in instrument type, personnel or method, the environmental laboratory shall have records on file to demonstrate that an initial demonstration of capability is not required.

(F) The laboratory shall retain all data necessary to reproduce the initial demonstration of capability.

(G) The work cell as a unit shall meet the following requirements:

(I) When a member of a work cell changes, the new work cell shall demonstrate capability by means of acceptable quality control performance checks on four consecutive batches. The acceptable performance shall be documented. If any quality control performance check within the four consecutive batches following the change in personnel fails to meet acceptance criteria, an initial demonstration of capability shall be completed.

(II) If the entire work cell is changed, an initial demonstration of capability shall be completed.

* * * * *

§ 252.306. Equipment, supplies and reference materials.

* * * * *

(f) The following pieces of equipment shall be maintained according to this subsection.

* * * * *

(2) *Working thermometers.*

(i) Working thermometers must have appropriate graduations and a range that spans the requirements of the method.

(ii) Working thermometers may be glass, dial or electronic and shall be calibrated against a certified NIST-reference thermometer as follows:

(A) Glass, liquid filled thermometers shall be calibrated every 12 months at the temperature used.

(B) Dial and electronic thermometers shall be calibrated every 3 months at the temperature used. Electronic thermometers accompanied by a valid NIST traceable certificate of acceptance may be used for 12 months from the date of receipt before re-calibration.

(C) An environmental laboratory shall maintain records in a laboratory notebook for each working thermometer that document the date of calibration, NIST reference thermometer identification, working thermometer identification, reference thermometer temperature reading, working thermometer temperature reading, correction factor and the initials of the individual conducting the calibration.

(D) Working thermometers shall be uniquely identified and labeled with the date of calibration and correction factor.

(iii) The fluid column in glass thermometers may not be separated.

(iv) A working thermometer that differs by more than 2.0°C from the reference thermometer may not be used.

(3) *ASTM class 1, 2 or 3 (Class S or S-1), or better certified reference weights.*

(i) The mass of ASTM class 1, 2 or 3 (Class S or S-1), or better certified reference weights shall be recertified at least once every 5 years.

(ii) An environmental laboratory shall retain a certificate documenting traceability of the calibration to ASTM standards.

(4) *Analytical or pan balances.*

(i) Analytical or pan balances must provide sufficient accuracy and sensitivity for the weighing needs of the method.

(ii) An environmental laboratory shall verify the calibration of a balance daily or before each use, whichever is less frequent.

(iii) A reference weight that is damaged or corroded may not be used for calibration of balances.

(iv) Balance calibration shall be verified using a minimum of three ASTM class 1, 2 or 3 (Class S or S-1) certified reference weights that bracket the effective range of the balance's use.

(v) An environmental laboratory shall maintain records in a laboratory notebook of balance calibrations that document the balance identification, date of calibration verification, reference weights used and initials of the individual performing the calibration.

(vi) A qualified person shall service and calibrate analytical balances at least once per year.

(vii) Records of annual service shall be maintained and the service date shall be recorded on the balance.

(5) *pH meter.*

(i) A pH meter must be equipped with an appropriate electrode and have scale graduators and accuracy appropriate to the method.

(ii) An environmental laboratory shall utilize either a thermometer or a temperature sensor for automatic compensation to make corrections for pH measurements.

(iii) The pH meter shall be calibrated daily or before each use, whichever is less frequent, by one of the following:

(A) With at least three standard buffers which are at least three pH units apart and which bracket the expected pH range of the samples.

(B) Use a pH 7.0 and either a pH 4.0 or 10.0 standard buffer; whichever range covers the desired pH range of use.

(iv) Aliquots of standard buffers may not be used for longer than 1 analysis day.

(v) Records of pH meter calibration shall be maintained in a laboratory notebook that document the date of calibration, calibration buffers used and initials of the individual conducting the calibration.

(6) *Conductivity meter.*

(i) A conductivity meter must have a probe of sufficient sensitivity for the method. The scale must have readability in appropriate units, for example micromhos or microsiemens per centimeter.

(ii) An in-line conductivity meter that cannot be calibrated may not be used.

(iii) An environmental laboratory shall calibrate the conductivity meter daily or before each use whichever is less frequent, by one of the following:

(A) With certified and traceable standard solutions within the range of interest.

(B) By determining the cell constant utilizing the method described in currently approved editions of *Standard Methods for the Examination of Water and Wastewater* (available from American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005.)

(iv) Records of conductivity meter calibrations shall be maintained in a laboratory notebook that documents the date of calibration, standards used, results of calibration or cell constant determined and the initials of the individual conducting the calibration.

* * * * *

(8) *Incubators, water baths, heating blocks and ovens.*

(i) An environmental laboratory shall control and monitor the temperature of incubators, water baths, heating blocks and ovens in accordance with the method or as specified by regulations.

(ii) An environmental laboratory shall maintain a minimum of one thermometer per incubator, water bath, heating block or oven immersed in liquid or sand for ovens (except electronic thermometers) to the appropriate immersion line. When used as an incubation unit for microbiology, a minimum of one working thermometer shall be on the top and bottom shelf of the use area in each incubator.

(iii) When used as an incubation unit for microbiology, a water bath must be equipped with a gable cover and a pump or paddles to circulate the water.

(iv) Calibration-corrected temperatures for each incubator, water bath, heating block or oven shall be recorded once a day for each day in use for all laboratory activities. When used as an incubation unit for microbiology, the calibration-corrected temperature shall be recorded at least twice per day in use with the readings separated by at least 4 hours. The incubator, water bath, heating block or oven identification, date, time, calibration corrected temperature and the initials of the responsible individual shall be recorded.

(9) *Volumetric dispensing devices.*

(i) Except for Class A glassware, mechanical volumetric dispensing devices including burettes, autopipetors and dilutors, must be of sufficient sensitivity for the application. Delivery volumes of mechanical volumetric dispensing devices shall be checked at least once every 3 months.

(ii) Verification will be considered acceptable if the accuracy of the volumetric dispensing device is within 2.5% of expected values. Volumetric dispensing devices that do not meet this criterion may not be used.

(10) *Graduated sample containers.*

(i) Except for Class A glassware, when graduation marks on filter funnels, sample bottles or labware are used to measure sample volume, an environmental laboratory shall verify and document the accuracy of the volume of use for each lot or at least once per year, whichever is more frequent.

(ii) Verification will be considered acceptable if the accuracy of the graduated sample container is within 2.5% of expected values. Graduated sample containers that do not meet this criterion may not be used to measure sample volumes.

(g) An environmental laboratory shall maintain records for all reference materials, reagents and support services utilized by the laboratory for testing or analysis.

(h) Reference materials, reagents, media and laboratory supplies that are essential to obtain analytical results (such as filters, solid-phase extraction disks/cartridges, presterilized filtration units, certified precleaned laboratory supplies, disposable volumetric equipment, prepreserved sample containers) must meet the following minimum requirements:

(1) Analytical reagent grade chemicals or equivalent are acceptable, unless a method specifies other reagent purity grade requirements.

(2) Standard, reagent and laboratory supply receipt records shall be maintained. These records must include vendor, lot number, amount received, date of receipt, expiration date and certificates of analysis or purity, if available.

(3) Purchased chemicals, solutions, standards, media and laboratory supplies shall be labeled with date of receipt, expiration date and the date when the container is opened. Purchased chemicals, solutions and standards without an expiration date on the original container shall be discarded after 10 years from the date of receipt.

(4) An environmental laboratory shall maintain records of standard, reagent and media preparation. Standard and reagent preparation records must contain identification of the compound, manufacturer, lot number, concentration, amount prepared, date prepared, final pH if used for microbiology testing, initials of the individual preparing the solution and expiration date.

(5) Reagent and standard solution containers shall be labeled with identification of the compound, traceability to the preparation record, such as unique identifier, and expiration date.

(6) Standards, reagents and media may not be used past the date of expiration unless reevaluated and validated by a procedure approved by the Department prior to use.

(7) Reagent and standard solutions shall be checked regularly for signs of decomposition and evaporation. Reagent and standard solutions exhibiting signs of decomposition or evaporation shall be discarded.

(8) When reagents are removed from a container, the amount removed shall be used entirely or the unused portion discarded.

(9) Compressed gases must be of commercial grade, unless a method specifies other requirements.

(i) Plastic and glassware shall be cleaned to meet the sensitivity of the test method. Any cleaning and storage procedures that are not specified by the method shall be documented in a laboratory standard operating procedure.

Subchapter D. QUALITY ASSURANCE AND QUALITY CONTROL REQUIREMENTS

§ 252.401. Basic requirements.

(a) An environmental laboratory shall develop and maintain a quality manual appropriate to the type, range and volume of testing and analysis of environmental samples. The quality manual shall be available to and used by environmental laboratory personnel. The quality manual must contain the following:

(1) The full name and physical address of the laboratory.

(2) The name, address (if different from paragraph (1)), and telephone number of the laboratory supervisors.

(3) A revision number and effective date.

(4) A table of contents, and applicable lists of references, glossaries and appendices.

(b) The quality manual must state the environmental laboratory's policies, operational procedures, protocols and practices established to meet the requirements of this chapter. These policies and procedures must include:

(1) An ethics policy statement as specified in subsection (d).

(2) A document control system as specified in subsection (c).

(3) Recordkeeping as specified in § 252.706 (relating to recordkeeping).

(4) The procedures for termination of operations and transfer of records as specified in § 252.706.

(5) The procedures for detecting and permitting departures from established procedures as specified in subsections (i) and (h).

(6) The procedures for detecting and preventing improper practices as specified in § 252.304 (relating to personnel requirements).

(7) The sample handling and acceptance procedures as specified in subsections (f) and (g).

(8) The reporting of analytical results as specified in subsection (j).

(9) The monitoring of the quality of analysis as specified in subsection (l).

* * * * *

(d) An environmental laboratory shall develop and maintain an ethics policy statement relevant to the employee's duties and responsibilities under the act.

(1) The laboratory shall implement procedures for educating and training personnel in their ethical and legal responsibilities under the act.

(2) The laboratory shall provide training in ethical and legal responsibilities within 2 months of employment to the laboratory and at least every 14 months thereafter for all employees.

* * * * *

(f) An environmental laboratory shall establish procedures for handling environmental samples.

(1) The environmental laboratory shall implement procedures for checking the thermal or chemical, or both, preservation and the sample container. The results of these checks shall be recorded.

(2) The laboratory shall utilize a recordkeeping system that meets the requirements of § 252.706 to document receipt of all sample containers. The recordkeeping system must include the following:

(i) The client/project name.

(ii) The date, time and location of sample collection, name of sample collector and field identification code.

(iii) The date and time of laboratory receipt.

(iv) Any comments resulting from inspection for sample rejection shall be linked to the laboratory ID code.

(v) A unique laboratory ID code that corresponds to the information required by this paragraph.

(vi) An identification of the person making the entries.

* * * * *

(j) An environmental laboratory shall develop procedures for reporting results of testing or analysis of environmental samples. Each test report must include at least the following information, except as specified in subsection (k).

- (1) The name and address of the laboratory.
- (2) The total number of pages in the report, including any addendums, in the format of Page x of y.
- (3) The name and address of the client.
- (4) An identification of the test method used.
- (5) An identification of the samples including the client identification code.
- (6) The date and time of sample collection.
- (7) The date of sample analysis.
- (8) The time of sample preparation or analysis, or both, if the holding time requirement for either activity is less than or equal to 72 hours.
- (9) The test results and units of measurement.
- (10) The quantitation limit.
- (11) The names, functions and signatures of the persons authorizing the test report.
- (12) An identification of results reported on a basis other than as received (for example, dry weight).
- (13) An identification of testing or analysis results not covered by the laboratory's scope of accreditation.
- (14) An identification of results that do not meet the requirements of this chapter.
- (15) An identification of subcontracted results.

(k) Tests performed by an environmental laboratory operated by a facility that provides results to the facility management for compliance purposes do not need to be reported under subsection (j) regarding procedures for reporting results, provided the information required by subsection (j) is maintained under § 252.706.

(l) An environmental laboratory shall implement procedures or practices to monitor the quality of the laboratory's analytical activities. Examples of the procedures or practices are:

- (1) Internal quality control procedures using statistical techniques.
- (2) Participation in proficiency testing, other interlaboratory comparisons, or round robin testing.
- (3) Analysis of split samples by different laboratories.
- (4) Use of certified reference materials or in-house quality control using secondary reference materials, or both.
- (5) Replicate testing using the same or different test methods.
- (6) Retesting of retained samples.
- (7) Correlation of results for different but related analysis of a sample (for example, total phosphorus should be greater than or equal to orthophosphate).

(m) To the extent possible, results of testing or analysis of environmental samples shall be reported only if all quality control, analytical testing and sample acceptance measures are acceptable. If a quality control, analytical testing or sample acceptance measure is found to be out of control and the results of the testing or analysis of environmental samples are to be reported, all environ-

mental samples associated with the failed quality control measure shall be documented and the results flagged in an unambiguous manner on the sample analysis report with the appropriate data qualifiers.

(n) Policies, procedures, protocols and practices specified in this section must be in writing and be followed.

§ 252.404. Essential quality control requirement—microbiology.

* * * * *

(c) The following pieces of equipment shall be maintained according to this subsection:

(1) Autoclave.

(i) An environmental laboratory shall use autoclaves that meet specified temperature tolerances of the method. Because of safety concerns and difficulties with operational control, pressure cookers should not be used. Pressure cookers may not be used for sterilization of media.

(ii) A continuous temperature-recording device or a maximum-temperature-registering thermometer shall be used during each autoclave cycle.

(iii) An environmental laboratory shall verify the sterilization capability of each autoclave by utilizing appropriate biological indicators (for example, spore strips or ampoules) once a month. Records of biological indicator tests shall be maintained in a laboratory notebook and include the autoclave identification, date, incubation time and temperature, results and initials of the responsible individual.

(iv) An environmental laboratory shall verify the mechanical timing device, if used, for each autoclave every 3 months. Records of mechanical timer verification shall be maintained in a laboratory notebook and include the autoclave identification, date, mechanical timing device time, actual time and initials of the responsible individual. Correction factors shall be documented and used.

(v) Autoclaves shall be properly cleaned and maintained. Copies of service contracts or internal maintenance protocols and maintenance records shall be kept.

(vi) Required times for autoclaving items at 121°C are set forth in this subparagraph. The following items must be at temperature for the required amount of time. Except for membrane filters and pads and carbohydrate-containing media, indicated times are minimum times and may necessitate adjustment depending upon volumes, containers and loads. For autoclave runs that include membrane filters and pads and media, the total cycle time may not exceed 45 minutes. Autoclaved membrane filters and pads and media shall be removed immediately after completion of the autoclave cycle.

(vii) Records of each autoclave run shall be maintained in a laboratory notebook and include the date, contents, sterilization time and temperature, total cycle time (recorded as time in and time out) and initials of the responsible individual.

(viii) If an autoclave cycle fails to meet any requirement, corrective action shall be documented. Media may not be reautoclaved.

(2) Hot air oven.

(i) An environmental laboratory shall maintain a thermometer, graduated in 10°C increments or less with the bulb placed in sand, in each hot air oven.

(ii) An environmental laboratory shall verify the sterilization capability of each hot air oven by utilizing appropriate biological indicators (for example, spore strips) once a month. Records of biological indicator tests shall be maintained in a laboratory notebook and include the hot air oven identification, date, incubation time and temperature, results and initials of the responsible individual.

(iii) An environmental laboratory shall sterilize items in a hot air oven maintaining a temperature of 170°—180°C for a minimum of 2 hours. Only dry items may be sterilized in a hot air oven.

(iv) Records of each hot air oven operation shall be maintained and include the date, contents, sterilization time and temperature, and initials of the responsible individual.

(3) *Inoculating equipment.*

(i) An environmental laboratory shall use appropriate sterile inoculating equipment.

(ii) Metal loops and needles must be made of nickel alloy or platinum.

(iii) Wooden applicator sticks must be sterilized using dry heat.

(iv) For oxidase tests, nickel alloy loops may not be used.

(4) *Membrane filtration equipment.*

(i) Membrane filtration funnels must be stainless steel, glass, porcelain or autoclaveable or presterilized plastic. Membrane filtration funnels may not be scratched or corroded and may not leak.

(ii) Membrane filtration units shall be sterilized before the beginning of a filtration series. A filtration series ends when 30 minutes or longer elapses after a sample is filtered.

* * * * *

(v) An environmental laboratory using an ultraviolet sanitation lamp to sanitize filtration funnels between successive filtrations shall test the ultraviolet sanitation lamp every 3 months for effectiveness with an appropriate UV light meter or by plate count agar spread plates. Records of ultraviolet lamp tests shall be maintained and bulbs shall be replaced if output is less than 70% of original for light tests or if count reduction is less than 99% for a plate containing 200 to 300 organisms.

(5) *Culture dishes.*

(i) Culture dishes must be presterilized plastic or sterilizable glass and of appropriate size for the method.

(ii) Stainless steel canisters, aluminum canisters or a wrap of heavy aluminum foil or char-resistant paper, shall be used for autoclave sterilization of glass culture dishes.

(iii) Loose-lid culture dishes shall be incubated in a tight fitting container containing a moistened paper towel.

(iv) Opened packs of disposable culture dishes shall be resealed between use periods.

(6) *Culture tubes and closures.* Culture tubes and containers must be of sufficient size to contain medium and sample without being more than three quarters full. Tube closures must be stainless steel, aluminum, plastic or a screw cap with a nontoxic liner.

(7) *Pipettes.*

(i) Pipettes must have legible markings and may not be chipped or etched and must be accurate to within 2.5% tolerance.

(ii) Stainless steel canisters, aluminum canisters or a wrap of heavy aluminum foil or char-resistant paper shall be used for autoclave sterilization of pipettes.

(iii) Opened packs of disposable sterile pipettes shall be resealed between use periods.

(8) *Sample containers.*

(i) Sample containers must be sterile plastic bags or wide-mouth plastic or noncorrosive glass bottles with nonleaking ground glass stoppers or caps with nontoxic liners that can withstand repeated sterilization. Sample containers must be capable of holding sufficient volume of sample for all required tests while maintaining adequate air space for mixing.

(ii) Glass stoppers must be covered with aluminum foil or char-resistant paper for sterilization.

(iii) Glass and plastic bottles that have not been presterilized shall be sterilized by autoclaving. Glass bottles may be sterilized by dry heat. Empty containers shall be moistened with several drops of water prior to autoclaving.

(9) *Plastic and glassware washing procedure.*

(i) Prior to the initial use of a lot of detergent or washing procedure, an environmental laboratory shall perform an inhibitory residue test utilizing the method described in the currently approved editions of *Standard Methods for the Examination of Water and Wastewater* (available from American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005). Records of inhibitory residue tests shall be maintained and include the detergent identification, date, calculations, results and initials of responsible individual.

(ii) Washed plastic and glassware shall be tested at least once each month for possible acid or alkaline residue by testing at least one piece of plastic and glassware with a suitable pH indicator such as 0.04% bromothymol blue. Records of pH tests shall be maintained.

(10) *Ultraviolet lamp.* An environmental laboratory shall use a 365-nm, 6-watt ultraviolet lamp in a darkened room to view sample fluorescence.

(11) *Quanti-Tray™ Sealer.*

(i) An environmental laboratory shall perform a sealer check on each Quanti-Tray Sealer once a month by adding a dye to a water sample and performing the sealing procedure.

(ii) Records of the sealer check shall be maintained and include the sealer identification, date, results and initials of responsible individual. If dye is observed outside the wells, the Quanti-Tray Sealer may not be used.

(d) The requirements for reagent water are as follows:

* * * * *

(4) The metals analyses may only be performed by an environmental laboratory accredited under this chapter for those fields of accreditation.

* * * * *

(6) The bacteriological water quality test need not be performed if the environmental laboratory can supply documentation to show that their laboratory pure water

or reagent water meets the criteria, as specified in section 1080 of the currently approved editions of *Standard Methods for the Examination of Water and Wastewater* (available from American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005), for Type I (high-quality) or Type II (medium-quality) reagent water.

(e) The requirements for dilution/rinse water are as follows:

(1) Stock buffer solution or peptone water shall be prepared as specified in the currently approved editions of *Standard Methods for the Examination of Water and Wastewater* (available from American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005).

(2) Stock buffers shall be autoclaved or filter-sterilized. Stock buffers shall be refrigerated and must be free from turbidity.

(3) Dilution/rinse water solutions shall be prepared as specified in the currently approved editions of *Standard Methods for the Examination of Water and Wastewater* (available from American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005).

(f) The requirements for media are as follows:

(1) An environmental laboratory shall use dehydrated or commercially manufactured prepared media. Dehydrated media shall be stored in a cool, dry location. Caked or discolored dehydrated media shall be discarded.

(2) An environmental laboratory that prepares media from dehydrated stock shall follow method specifications.

(3) Media may not be reautoclaved.

(4) After preparation, media shall be stored and maintained as follows:

(i) Stored away from sources of direct light.

(ii) Prepared plates shall be stored in sealed plastic bags or containers.

(iii) Each bag, container or rack of broth or agar media shall be labeled with the date prepared or expiration date.

(iv) Fermentation media stored in a refrigerator shall be incubated overnight at room temperature before use. Media that shows growth or bubbles may not be used.

(v) Prepared liquid media shall be discarded if evaporation exceeds 10% of the original volume.

(vi) Poured agar plates and broth in tubes, bottles or flasks with loose-fitting closures shall be discarded if not used within 2 weeks of sterilization unless otherwise specified by the method.

(vii) Broth in tightly closed screw-cap tubes, bottles or flasks shall be discarded if not used within 3 months of sterilization unless otherwise specified by the method.

(g) An environmental laboratory shall demonstrate that the filtration equipment and filters, sample containers, media and reagents have not been contaminated through improper handling or preparation, inadequate sterilization or environmental exposure as follows:

(1) A sterility blank shall be analyzed for each lot of preprepared, ready-to-use medium and for each batch of medium prepared in the laboratory prior to first use of the medium. Records shall be maintained and include media identification, date, results and initials of responsible individual. If sterility blank indicates contamination, the media may not be used.

(2) For each reusable membrane filtration unit used during a filtration series, the laboratory shall prepare at least one sterility blank at the beginning and at the end of the series. A series is considered ended when more than 30 minutes elapses between filtrations. The laboratory shall insert a sterility blank after every 10 samples filtered through each membrane filtration unit or sanitize filtration units by UV light after each sample filtration in addition to the regular rinsing procedure. Records of sterility blank results must be maintained. If sterility blanks indicate contamination, the laboratory must treat each affected sample according to program requirements.

(3) For presterilized single use filtration funnel units, a sterility check shall be performed on one funnel unit per lot.

* * * * *

(h) The requirements for positive and negative culture control checks are as follows:

(1) Each preprepared, ready-to-use lot of medium and each batch of medium prepared in the laboratory shall be tested by the laboratory with at least one pure culture of a known positive reaction prior to first use of the medium. Records shall be maintained and include the date, media lot or batch number, type of media, positive culture control organism identification, results and initials of responsible individual. If positive culture control checks do not meet expected results, the affected media may not be used.

(2) Each preprepared, ready-to-use lot of selective medium and each batch of selective medium prepared in the laboratory shall be tested by the laboratory with at least one pure culture of a known negative reaction prior to first use of the medium. Records shall be maintained and include the date, media lot or batch number, type of media, negative culture control organism identification, results and initials of the responsible individual. If negative culture control checks do not meet expected results, the affected media may not be used.

* * * * *

(5) Culture controls may be single use or cultures maintained by the laboratory using a documented procedure that maintains the purity and viability of the organisms.

(6) For cultures maintained by the laboratory, the following criteria must be met:

(i) Reference control cultures may be revived and subcultured once to provide reference stocks.

(ii) Reference stocks shall be preserved using a method which maintains the characteristics of the organism strains. If reference stocks are thawed, they may not be refrozen and reused.

(iii) Working stocks shall be prepared from reference stocks for routine laboratory work.

(iv) If the laboratory sequentially cultures working stocks, the laboratory shall prepare a second working stock. Sequential culturing may not be performed from a working stock that has been used for routine laboratory work.

(v) Working stocks may not be used for more than 30 days.

(vi) Working stocks may not be sequentially cultured more than five times and may not be subcultured to replace reference stocks.

(vii) Secondary working stocks shall be used to prepare sequential working stocks.

(i) For test methods that specify colony counts, duplicate counts shall be performed monthly on one positive sample for each month that the test is performed. If the laboratory has two or more analysts, each analyst shall count typical colonies on the same plate. Counts may not differ by more than 10%. In an environmental laboratory with only one analyst, the analyst shall count the same plate twice. Counts may not differ by more than 5%.

(j) Records of all equipment, reference materials, reagents, media and supplies shall be maintained in accordance with § 252.306 (relating to equipment, supplies and reference materials).

Subchapter E. PROFICIENCY TEST STUDY REQUIREMENTS

§ 252.501. Proficiency test study requirements.

* * * *

(l) An environmental laboratory shall direct the proficiency test study provider to report the proficiency test study performance results directly to the Department's Laboratory Accreditation Program at the same time that the provider reports the results to the environmental laboratory.

* * * *

(n) An environmental laboratory seeking to obtain or maintain accreditation in the drinking water matrix shall participate in proficiency test studies that meet the requirements of 40 CFR Part 141 (relating to national primary drinking water regulations).

(o) An environmental laboratory shall evaluate and report the analytical result of each proficiency test study sample to the proficiency test reporting limit for each field of accreditation, when available, as outlined in subsection (a).

Subchapter G. MISCELLANEOUS PROVISIONS

§ 252.703. Suspension

(a) Denial of access to the Department during normal business hours will result in immediate suspension of accreditation for all fields of accreditation. Upon notice from the Department, the laboratory shall immediately cease testing or analysis of environmental samples.

(b) The Department will suspend an environmental laboratory's accreditation in total or in part for one or more of the following reasons:

(1) The Department finds that protection of the environment or the public health, safety or welfare requires emergency action.

(2) The environmental laboratory fails to successfully complete a proficiency test study within the previous 12 months.

(3) The environmental laboratory fails two consecutive proficiency test studies for a field of accreditation.

(c) The Department may suspend a laboratory's accreditation in total or in part for one or more of the following reasons:

(1) Failure to comply with the reporting and notification requirements as specified in § 252.708 (relating to reporting and notification requirements).

(2) Failure to implement a quality assurance program.

(3) Failure to employ staff that meets the personnel qualifications for education, training and experience as specified in § 252.302 (relating to qualifications of the laboratory supervisor).

(d) A laboratory may continue to test or analyze environmental samples for those fields of accreditation not affected by the suspension.

(e) Within 72 hours of receiving notice of the suspension of accreditation from the Department, the environmental laboratory shall notify each of its customers affected by the suspension in writing of the suspension on a form approved by the Department.

§ 252.704. Voluntary Relinquishment.

(a) An environmental laboratory wishing to voluntarily relinquish its certificate of accreditation or accreditation for fields of accreditation shall notify the Department in writing.

(b) An environmental laboratory that voluntarily relinquishes its certificate of accreditation shall ensure records are maintained in accordance with § 252.706 (relating to recordkeeping).

(c) Within 72 hours of voluntarily relinquishing its certificate of accreditation, the laboratory shall notify each of its customers affected by the voluntary relinquishment in writing of the relinquishment on a form approved by the Department.

§ 252.706. Recordkeeping.

(a) An environmental laboratory shall maintain records in an organized manner accessible by the Department.

(b) An environmental laboratory shall maintain records, including original handwritten data, that allow reconstruction of all laboratory activities associated with the testing or analysis of environmental samples, proficiency test studies, initial demonstration of capability, or demonstration of continued proficiency.

(c) All generated data, except data generated by automated data collection systems, shall be recorded promptly and legibly in permanent ink or in an electronic format. Changes to records shall be made so that the original entry remains visible. The individual making the change shall sign or initial and date the correction. These criteria also shall apply to electronically maintained records.

(d) Records required under this chapter shall be maintained for a minimum of 5 years unless otherwise specified.

(e) An environmental laboratory shall have a written plan that specifies how records will be maintained or transferred if the laboratory transfers ownership or terminates operations.

§ 252.708. Reporting and notification requirements.

(a) An environmental laboratory conducting testing or analysis of drinking water under Chapter 109 (relating to safe drinking water) shall:

(1) Meet the reporting and notification requirements of that chapter.

(2) Review all sample analysis data within 24 hours of acquisition of the initial sample results for microbiological, inorganic nonmetals and trace metals analyses. The 24-hour deadline may be extended to a maximum of 72 hours to accommodate a holiday or weekend when the laboratory is closed for business.

(3) Review all sample analysis data within 7 days of acquisition of the initial sample results for organic and radiochemical analyses.

(b) An environmental laboratory shall notify the Department, in writing, within 20 calendar days of a permanent change in laboratory supervisor.

(c) An environmental laboratory shall notify the Department, in writing, within 30 calendar days of a change in the legal name of the laboratory.

(d) An environmental laboratory shall notify the Department, in writing, within 30 calendar days of a change in any item contained on the application for accreditation.

(e) An environmental laboratory shall notify the Department, in writing, if a change in the laboratory's capability to produce valid analytical results persists for more than 90 calendar days for any field of accreditation listed on the laboratory's scope of accreditation.

(f) An out-of-State environmental laboratory with either primary or secondary accreditation from the Department shall notify, in writing, the Department within 48 hours of any changes in the laboratory's accreditation status from any other primary accreditation body.

(g) The Department may require additional information or proof of continued capability to perform the testing or analysis for affected fields of accreditation upon receipt of notification under this subsection.

(h) The Department may require an onsite assessment under § 252.601 (relating to onsite assessment requirements) upon receipt of notification under this subsection.

[Pa.B. Doc. No. 10-638. Filed for public inspection April 9, 2010, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 535 AND 567]

Table Game Rules for Pai Gow and War

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1303A (relating to temporary table game regulations) enacted by the act of January 7, 2010 (Act 1) and the specific authority in 4 Pa.C.S. § 1302A(1), (2) and (4) (relating to regulatory authority), adopts temporary regulations in Chapters 535 and 567 (relating to Pai Gow; and War) to read as set forth in Annex A. The Board's temporary regulations will be added to Part VII (relating to Gaming Control Board) as part of Subpart K (relating to table games).

Purpose of the Temporary Rulemaking

This temporary rulemaking contains table game rules for Pai Gow and War.

Explanation of Chapters 535 and 567

Chapter 535 (relating to Pai Gow) is being amended by adding a new § 535.3(e) (relating to Pai Gow tiles; physical characteristics) which requires tiles used for the play of Pai Gow to be changed at least once every 12 hours. Changing tiles is a standard practice in the industry to diminish the potential for anyone to mark the tiles.

Chapter 567 (relating to War) contains the rules governing the play of War, which is a card game where players compete against the dealer. The provisions in this chapter address: physical characteristics of War tables and the number of decks of cards used to play the game; the opening of War tables and shuffling procedures; the ranking of the cards and permissible wagers; procedures for dealing cards and completion of each round of play;

payment and collection of wagers; payout odds; and how irregularities in play are to be handled.

Affected Parties

Slot machine licensees who elect to become certificate holders will be required to comply with the rules for conducting these table games if they are offered at their facilities. They will also have to hire and train dealers for the table games they wish to offer and purchase equipment necessary to conduct the table games.

The Board will experience increased regulatory demands resulting from the implementation of table games. The most significant increases will be the hiring of additional casino compliance agents to oversee the operation of the table games at the licensed facilities and increased number of license and occupation permit applications that will have to be processed by the Bureau of Licensing.

Fiscal Impact

Commonwealth

The Board expects that it will experience increased costs related to adding additional staff at the licensed facilities and at its offices to handle the increased licensing and oversight requirements that will result from the introduction of table games. Because the Board is just starting to receive petitions from slot machine licensees seeking permission to conduct table games, the extent of these additional costs are not known. However, the Board does not expect these increased costs to exceed the additional funding provided to the Board under Act 1.

Political Subdivisions

This rulemaking will have no direct fiscal impact on political subdivisions of this Commonwealth. Eventually, host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private Sector

This rulemaking will result in additional costs for slot machine licensees who elect to become certificate holders. More specifically, certificate holders will be required to pay a table games licensing fee, purchase equipment conduct the table games they elect to offer and to hire and train employees to operate table games. While these costs will be significant, they will be offset by the revenues generated from the table games.

General Public

This rulemaking will have no direct fiscal impact on the general public.

Paperwork requirements

This rulemaking will require certificate holders to file a Rules Submission form for the game of War, if they offer it.

Effective Date

This temporary rulemaking will become effective upon final publication in the *Pennsylvania Bulletin*.

Public Comments

While this rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how this temporary regulation might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Richard Sandusky, Director of Regulatory Review, Penn-

sylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-115.

Contact Person

The contact person for questions about this rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under 4 Pa.C.S. § 1303A, the Board is authorized to adopt temporary regulations which are not subject to the provisions of: sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law; the Regulatory Review Act (71 P.S. §§ 745.1—745.12); and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 1303A, the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorney Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code Chapters 535 and 567, are amended by amending § 535.3 and adding §§ 567.1—567.11 to read as set forth in Annex A, with ellipses referring to the text of the existing regulations.

(2) The temporary regulations are effective April 10, 2010.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations shall be subject to amendment as deemed necessary by the Board.

(5) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-115. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 535. PAI GOW

§ 535.3. Pai Gow tiles; physical characteristics.

* * * * *

(e) Tiles used for the play of Pai Gow shall be changed at least every 12 hours.

CHAPTER 567. WAR

| Sec. | |
|---------|--|
| 567.1. | Definitions. |
| 567.2. | War table; physical characteristics. |
| 567.3. | Cards; number of decks; dealing shoe. |
| 567.4. | Opening of the table for gaming. |
| 567.5. | Shuffle and cut of the cards. |
| 567.6. | War card rankings. |
| 567.7. | Wagers. |
| 567.8. | Procedure for dealing the cards. |
| 567.9. | Procedures for completion of each round of play; collection and payment of wagers. |
| 567.10. | Payout odds. |
| 567.11. | Irregularities. |

§ 567.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Initial wager—The wager that must be made by a player prior to any cards being dealt to participate in the round of play.

Original deal—The first card that is dealt to each player and the dealer to determine the result for the Initial wager in a round of play.

Round of play—One complete cycle of play during which each player playing at the table has placed an Initial wager, has been dealt a card, has surrendered or gone to War, if appropriate, and has had his wagers paid or collected in accordance with this chapter.

Tie hand—A hand in the original deal or War deal where the rank of a player's card and the rank of the dealer's card are equal.

War—The decision of a player, in accordance with the option offered under § 567.9(c)(2) (relating to procedures for completion of each round of play; collection and payment of wagers), to place a War wager when there is a tie hand on the original deal.

War deal—The deal of the cards that follows the placement of a War wager.

War wager—A wager that is required to be made if the player elects to go to War.

§ 567.2. War table; physical characteristics.

(a) War shall be played at a table having betting positions for no more than seven players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a War table shall be approved by the Bureau of Gaming Operations and have imprinted thereon, at a minimum, the following:

(1) The name or logo of the certificate holder.

(2) A separate designated betting area at each betting position for the placement of Initial and War wagers.

(3) A separate designated betting area for the placement of Tie wagers.

(4) The payout odds for a Tie wager and War wager.

(c) Each War table must have a drop box and a tip box attached to it on the same side of the gaming table as, but on opposite sides of, the dealer, in locations approved by the Bureau of Gaming Operations.

§ 567.3. Cards; number of decks; dealing shoe.

(a) War shall be played with six to eight decks of cards with backs of the same color and design. Each deck of cards must consist of 52 cards. The game of War also

requires two cover cards to be used in accordance with the procedures in § 567.5 (relating to shuffle and cut of the cards).

(b) All cards used in War shall be dealt from a manual dealing shoe. The dealing shoe shall be located on the table to the left of the dealer.

(c) If an automated card shuffling device is utilized, War shall be played with 12 to 16 decks of cards in accordance with the following requirements:

(1) Each deck of cards must meet the requirements of subsection (a).

(2) The cards shall be separated into two batches, with an equal number of decks included in each batch.

(3) The backs of the cards in each batch must be of the same color and design, but of a different color than the cards included in the other batch.

(4) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being dealt or used to play the game.

(5) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(6) The cards from only one batch shall be placed in the discard rack at any given time.

(d) The decks of cards opened for use at a War table shall be changed at least once every 24 hours.

§ 567.4. Opening of the table for gaming.

(a) After receiving six or more decks of cards at the table, the dealer shall sort and inspect each deck of cards separately, face down, and the floorperson assigned to the table shall verify the inspection.

(b) Following the inspection of the cards by the dealer and the verification by the floorperson assigned to the table, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread out according to suit and in sequence.

(c) After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked.

(d) If an automated shuffling device is utilized, all the decks in one batch of cards shall be spread for inspection on the table separate from the decks in the other batch of cards. After the first player to arrive at the table is afforded an opportunity to visually inspect the cards, each batch of cards shall separately be turned face downward on the table and stacked.

§ 567.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were preshuffled, and after each dealing shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the deck of cards in a single stack.

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to players in the following order:

(1) The first player to the table, if the game is just beginning.

(2) The player on whose betting area the cover card appeared during the last round of play.

(3) The player at the farthest point to the right of the dealer if the cover card appeared on the dealer's hand during the last round of play.

(4) The player at the farthest point to the right of the dealer if the reshuffle was initiated at the discretion of a floorperson or above.

(c) If the player designated in subsection (b) refuses to cut, the dealer shall offer the cut to each other player moving clockwise around the table until a player accepts the cut. If no player accepts the cut, the dealer shall cut the cards.

(d) The player or dealer making the cut shall place a cover card in the stack at least 10 cards in from the top or the bottom of the stack.

(e) Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The dealer shall then insert the second cover card in the stack at a position at least approximately one-quarter of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson or above determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut by the next person entitled to cut the cards, as determined under subsection (b)(4).

(g) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe as required under § 567.8(d) (relating to procedure for dealing the cards).

(h) If there is no gaming activity at the War table, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face downward on the table and:

(1) If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing of the cards, stacked, then shuffled and cut in accordance with this section.

(2) If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player so requests, the batch of cards removed from the shuffler need not be spread for inspection and reshuffled prior to being dealt, if:

(i) The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner approved by the Bureau of Gaming Operations.

(ii) The shuffled cards have been secured, released and prepared for play in accordance with procedures approved by the Bureau of Gaming Operations.

§ 567.6. War card rankings.

The rank of the cards used in War, for the purpose of determining a winning hand, shall be, in order from the highest to lowest rank: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. The suit of a card shall have no effect on its rank.

§ 567.7. Wagers.

(a) Wagers at War shall be made by placing gaming chips or plaques on the appropriate betting area of the War layout. A verbal wager accompanied by cash may not be accepted at the game of War.

(b) To participate in a round of play, a player shall be required to place an Initial wager.

(c) Players shall have the option of placing a Tie wager, at the same time as an Initial wager or a War wager, that the deal on which the Tie wager is made will result in a tie hand.

(d) Except as provided in § 567.9(e) (relating to procedures for completion of each round of play; collection and payment of wagers), all wagers at War shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 567.8 (relating to procedure for dealing the cards). Once a wager has been placed, players may not handle, remove or alter the wager unless the dealer indicates that the wager has been decided in the player's favor as provided in this chapter.

(e) A certificate holder may, if specified in the certificate holder's Rules Submission under § 521.2 (relating to table games Rules Submissions), permit a player to simultaneously play and place wagers at up to two additional adjacent player positions.

§ 567.8. Procedure for dealing the cards.

(a) Prior to starting the first round of play after the cards have been cut and placed in the dealing shoe under § 567.5 (relating to shuffle and cut of the cards), the dealer shall remove the first card from the shoe face down and, without revealing its rank to anyone, place it in the discard rack. Each new dealer who comes to the table shall also remove the first card from the shoe face down and, without revealing its rank to anyone, place it in the discard rack.

(b) Prior to dealing any cards, the dealer shall announce "no more bets." Each card shall then be removed from the dealing shoe with the left hand of the dealer and placed face up on the appropriate area of the layout with the right hand of the dealer.

(c) The dealer shall, starting with the player farthest to the dealer's left and continuing in a clockwise manner, deal the cards as follows:

(1) One card face up to each player who has placed an Initial wager in accordance with § 567.7 (relating to wagers).

(2) One card face up to the dealer.

(d) Whenever the cover card is reached in the deal of the cards, the dealer shall continue dealing the cards until that round of play is completed after which the cards shall be reshuffled.

(e) Players may not touch any card used in the game of War other than a cover card.

§ 567.9. Procedures for completion of each round of play; collection and payment of wagers.

(a) After the dealing procedures required under § 567.8 (relating to procedure for dealing the cards) have

been completed, the dealer shall, beginning from the dealer's left and proceeding around the table in a clockwise direction, compare the rank of each player's card with that of the dealer's card and settle all Initial and Tie wagers as follows:

(1) If a player's card is lower in rank than the dealer's card, the player shall lose his Initial wager and, if applicable, his Tie wager.

(2) If a player's card is higher in rank than the dealer's card, the player shall win his Initial wager and, if applicable, lose his Tie wager.

(3) If the player's card and the dealer's card are of equal rank (a tie hand), the player shall be afforded the options specified in subsection (c) as to his Initial wager and, if applicable, win his Tie wager.

(b) Losing Initial and Tie wagers made on the original deal shall be collected by the dealer and placed in the table inventory container. Winning Initial and Tie wagers made on the original deal shall be paid by the dealer in accordance with the payout odds provided in § 567.10 (relating to payout odds).

(c) If a player has a tie hand, the player shall select one of the following options:

(1) The player may surrender one-half of his Initial wager and end his participation in that round of play. If a player selects this option, the dealer shall collect one-half of the player's Initial wager and place it in the table inventory container. The dealer shall then return the remaining one-half of the Initial wager to the player. The dealer shall then proceed around the table in a clockwise direction, repeating the process for each player with a tie hand who selects this option.

(2) The player may surrender his entire Initial wager and place a War wager, in an amount equal to the player's Initial wager, in accordance with subsection (e).

(d) After settling Initial wagers and Tie wagers on the original deal, the dealer shall collect the cards of all players except for the cards of those players with a tie hand who have elected to go to War. The collected cards shall be placed in the discard rack in a manner that permits the reconstruction of each hand of the original deal in case of a question or dispute.

(e) If any player elects to make a War wager upon the occurrence of a tie hand, the dealer shall confirm the placement of the War wager and collect the full amount of the player's Initial wager and place it in the table inventory container. The player's card and the dealer's card from the original deal shall remain exposed during the war deal. The dealer shall offer any player who has elected to go to War the opportunity to also place a Tie wager on the War deal.

(f) The War deal shall begin with the dealer removing three cards from the shoe face down and, without revealing the rank of the three cards to anyone, placing them in the discard rack and then dealing the next card face up to the player farthest to the dealer's left who has placed a War wager. The player's War deal card shall be placed on the table adjacent to the player's card from the original deal. The dealer shall then proceed around the table in a clockwise direction, repeating the process for each player who has placed a War wager and the dealer.

(g) After the dealing procedures required by subsection (f) have been completed, the dealer shall, beginning from the dealer's left and proceeding around the table in a clockwise direction, compare the rank of each player's

card from the War deal to the dealer's card from the War deal and settle all War and Tie wagers as follows:

(1) If the player's card in the War deal is lower in rank than the dealer's card in the War deal, the player shall lose his War wager and, if applicable, his Tie wager.

(2) If the player's card in the War deal is higher in rank than the dealer's card in the War deal, the player shall win his War wager and, if applicable, lose his Tie wager.

(3) If the player's card and the dealer's card in the War deal are of equal rank, the player shall win his War wager and, if applicable, his Tie wager.

(h) Losing War and Tie wagers shall be collected by the dealer and placed in the table inventory container. Winning War and Tie wagers shall then be paid in accordance with the payout odds set forth in § 567.10 (relating to payment odds). After the collection of all losing wagers and the payment of all winning wagers from the War deal, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand of the War deal in case of a question or dispute.

§ 567.10. Payout odds.

Winning wagers shall be paid as follows:

(1) An Initial wager shall be paid at odds of 1 to 1.

(2) A Tie wager shall be paid at odds of 10 to 1.

(3) A War wager shall be paid at odds of 2 to 1, unless the War deal results in a tie hand, in which case a War wager shall be paid at odds of 3 to 1.

§ 567.11. Irregularities.

(a) A card found face up in the dealing shoe while the cards are being dealt may not be used in the game and shall be placed in the discard rack. If more than one card is found face up in the dealing shoe while the cards are being dealt, all hands shall be void and the cards shall be reshuffled.

(b) A card drawn from the dealing shoe in error without its face being exposed shall be used as though it was next card from the dealing shoe.

(c) If a card is not dealt to a player's Initial wager or Tie wager in the original deal, the wager shall be void and returned to the player. The player shall be included in the next round of play.

(d) If an automated card shuffling device is being used and the device jams, stops shuffling during the shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.

[Pa.B. Doc. No. 10-639. Filed for public inspection April 9, 2010, 9:00 a.m.]

PROPOSED RULEMAKINGS

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 119]

Personal Income Tax—Innocent Spouse Relief

The Department of Revenue (Department), under the authority contained in section 212 of the Taxpayers' Bill of Rights (act) (72 P.S. § 3310-212) regarding innocent spouse relief, proposes amendments to 61 Pa. Code Chapter 119 (relating to liabilities and assessment—procedure and administration), by adding § 119.30 (relating to innocent spouse relief) to read as set forth in Annex A.

Purpose of Regulation

This regulation change will clarify the Department's policy on innocent spouse relief for Pennsylvania Personal Income Tax as enacted under section 212 of the act. In addition, the regulation will provide clear instructions for taxpayers regarding elections filed with the Taxpayers' Rights Advocate seeking relief from tax liability of Pennsylvania Personal Income Tax.

Explanation of Regulatory Requirements

Section 119.30 is proposed to provide uniformity and guidance to this Commonwealth's taxpayers seeking innocent spouse relief under the provisions of section 207 of the act (72 P.S. § 3310-207). Several examples are included in this new section.

Subsection (a) contains definitions for "collection activity," "disqualified asset," "electing spouse," "nonelecting spouse," "rebate," "Taxpayers' Rights Advocate" and "understatement."

Subsection (b) provides general information on relief from joint and several liability for understated tax and unpaid tax.

Subsection (c) provides qualifications for relief from liability applicable to all joint filers for understatement of tax. In addition, knowledge or reason to know of an understatement and apportionment of relief are explained. This subsection also includes an example.

Subsection (d) details qualifications for separation of liability relief applicable to taxpayers no longer married or taxpayers legally separated or not living together. Individuals eligible to make elections, elections not valid with respect to certain deficiencies and disqualified asset transfers are explained in this subsection. Several examples are included in this subsection.

Subsection (e) explains the factors the Taxpayers' Rights Advocate will consider in determining granting unpaid tax relief and relief from liability for a deficiency if relief is unavailable under subsections (c) and (d). In addition, this subsection includes several examples.

Subsection (f) explains the election procedure and timing of election for requesting innocent spouse relief.

Subsection (g) explains the Taxpayers' Rights Advocate's procedures for an invalid election, spousal notification, relief determination, notification of relief and appeal rights.

Subsection (h) explains relief for penalties, interest and other charges. An example is also illustrated.

Affected Parties

This Commonwealth's taxpayers and tax practitioners may be affected by the regulation.

Fiscal Impact

The Department has determined that the proposed regulation creates no foreseeable revenue impact on the Commonwealth.

Paperwork

The proposed regulation will not create additional paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The regulation will become effective upon final publication in the *Pennsylvania Bulletin*. The regulation is scheduled for review within 5 years of final publication. No sunset date has been assigned.

Contact Person

Interested persons are invited to submit in writing any comments, suggestions or objections regarding the proposed regulation to Mary R. Sprunk, Office of Chief Counsel, Department of Revenue, P. O. Box 281061, Harrisburg, PA 17128-1061, within 30 days after the date of the publication of this notice in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on March 29, 2010, the Department submitted a copy of this proposed regulation to the Independent Regulatory Review Commission (IRRC) and to the House Committee on Finance and the Senate Committee on Finance (Committees). In addition to submitting the regulation, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

The Committees may, at any time prior to the submittal of the final-form regulation, convey to the agency and the Commission, their comments, recommendations and objections to the proposed regulation. IRRC may, within 30 days of the close of the public comment period, submit to the agency and Committees any comments, recommendations and objections to the proposed regulation. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review of objections raised, prior to final publication of the amendments, by the Department, the General Assembly and the Governor.

C. DANIEL HASSELL,
Acting Secretary

Fiscal Note: 15-448. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 61. REVENUE

PART I. DEPARTMENT OF REVENUE

Subpart B. GENERAL FUND REVENUES

ARTICLE V. PERSONAL INCOME TAX

CHAPTER 119. LIABILITIES AND
ASSESSMENT—PROCEDURE AND
ADMINISTRATION

§ 119.30. Innocent spouse relief.

(a) *Definitions.*

The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Collection activity—The application of any overpayment to the liability provided for under section 346 of the TRC (72 P.S. § 7346), the mailing of a notice that the Department plans to intercept taxpayer's Federal Income Tax under section 6402 of the IRC (26 U.S.C.A. § 6402) or the issuance of a writ of execution, whichever first occurs.

Disqualified asset—Any property or right to property that was transferred from the nonelecting spouse to the electing spouse if the principal purpose of the transfer was the avoidance of tax or payment of tax, including additions to tax, penalties and interest.

Electing spouse—A taxpayer who follows the procedure described in subsection (f).

Nonelecting spouse—An electing taxpayer's spouse in the tax year for which the electing taxpayer is seeking tax relief under this section.

Rebate—The amount refunded or credited to a taxpayer because the Department determined that the Pennsylvania tax liability reported on the Personal Income Tax return exceeds the Pennsylvania tax liability due or any other amount refunded or credited to taxpayer that reduces the Pennsylvania tax liability reported on the return.

Taxpayers' Rights Advocate—As defined in section 207 of the Taxpayers' Bill of Rights (72 P.S. § 3310-207).

Understatement—The excess of the tax required to be shown on the Personal Income Tax return for the taxable year, less the tax shown on the Personal Income Tax return reduced by any rebate.

(b) *In general.*

(1) *Relief from joint and several liability for understated tax.* A spouse who filed a joint Pennsylvania Personal Income Tax return with a spouse may elect relief from joint and several liability for Pennsylvania Personal Income Tax which was understated on the joint return, provided the following conditions are met:

(i) The understatement of tax is attributable to erroneous items of the spouse.

(ii) The eligible spouse did not know or have reason to know of the understatement.

(2) *Relief from joint and several liability for unpaid tax.* The Taxpayers' Rights Advocate may grant relief for a tax liability due to the underpayment of tax as reported on the taxpayers' joint return. The relief granted must be a separate liability of the taxpayer's spouse, and the Taxpayers' Rights Advocate must find that it is inequitable to hold the taxpayer liable for the separate liability of the taxpayer's spouse.

(c) *Joint liability relief for an understatement of tax available to all joint filers.*

(1) *In general.* A joint filer shall be relieved of liability for tax (including interest, penalties and other charges) for a taxable year to the extent the liability is an understatement attributable to the other joint filer if the following conditions are met:

(i) A joint return has been made for a taxable year.

(ii) There is an understatement of tax on the return attributable to erroneous items of the other individual filing the joint return.

(iii) The individual establishes that in signing the return the individual did not know and had no reason to know of the understatement made on the return.

(iv) Taking into account all the facts and circumstances, it is inequitable to hold the individual liable for the tax deficiency attributable to the understatement.

(v) The individual elects the benefits of this subsection no later than 2 years from the date of the first collection activity for the understatement.

(2) *Knowledge or reason to know.* A spouse has knowledge or reason to know of an understatement if the spouse actually knew of the understatement or if a reasonable person in similar circumstances would have known of the understatement. All facts and circumstances are considered in determining whether an electing spouse had reason to know of an understatement. Some of the facts and circumstances considered include the following:

(i) The nature of the erroneous item and the amount of the erroneous item relative to other items.

(ii) The couple's financial situation.

(iii) The electing spouse's educational background and business experience.

(iv) The extent of the electing spouse's participation in the activity that resulted in the erroneous item.

(v) Whether the electing spouse failed to inquire, at or before the time the return was signed, about items on the return or omitted items from the return that a reasonable person would question.

(vi) Whether the erroneous item represented a departure from a recurring pattern reflected in prior years' returns; such as, omitted income from an investment regularly reported on prior years' returns.

(3) *Apportionment of relief.* Relief shall be apportioned when a spouse establishes that in signing the return the spouse did not know, and had no reason to know, the extent of the understatement; and but for spouse's knowledge of the understatement, the spouse would have been relieved of liability under paragraph (1). The spouse shall be relieved of liability for tax (including interest, penalties and other charges) for the taxable year to the extent that the liability is attributable to the portion of the understatement of which the spouse did not know and had no reason to know.

Example: H and W are married and file their 2005 joint Pennsylvania Personal Income Tax return on March 1, 2006. In 2005, casinos report income of \$300,000 to H, and H and W do not include this income on their return. H kept his gambling income in an individual bank account; and each month, H transferred a sum of at least \$6,000 into H and W's joint bank account. The total deposits from H's separate account to the joint account for the 2005 tax year totaled \$90,000. All of H and W's reported income was deposited into this joint account.

W paid the household expenses using the joint account and regularly received the bank statements for it. W did have knowledge and reason to know of at least \$90,000 of the \$210,000 income reported by the casinos. W may not be relieved of the liability for the tax deficiency arising from \$90,000 of the unreported gambling income of which she knew. W may be relieved of the deficiency arising from the additional \$210,000 of gambling income reported by the casinos if given the facts and circumstances of H and W's activities, income, and the like, W had no reason to know of the additional \$210,000 of income.

(d) *Joint liability relief by separation of liability available to taxpayers no longer married or taxpayers legally separated or not living together.*

(1) *In general.* Except as provided in this subsection, if an individual who has made a joint return for any taxable year elects the relief available in this subsection, the individual's liability for tax which is assessed due to an understatement of tax on the return may not exceed the portion of the deficiency allocable to the individual as provided in paragraph (3).

(2) *Election.*

(i) *Individuals eligible to make election.*

(A) *In general.* An individual shall only be eligible to elect the application of this subsection if one of the following conditions is met:

(I) At the time the election is filed, the individual is no longer married to, or is legally separated from the individual with whom the individual filed the joint return to which the election relates.

(II) The electing individual was not a member of the same household as the individual with whom the joint return was filed at any time during the 12-month period ending on the date the election is filed.

(B) *Certain taxpayers ineligible to elect.* If the Department determines that assets were transferred between individuals filing a joint return or by individuals filing a joint return as part of a fraudulent scheme by the individuals, an election under this subsection by either individual shall be invalid and the liability with respect to the tax shall be joint and several. Transfers made as part of a fraudulent scheme include transfers made to frustrate the collection of tax. For purposes of this subsection, a fraudulent scheme includes a scheme to defraud the Department or another third party, including, but not limited to, creditors, ex-spouses and business partners.

(C) *Member of the same household.*

(I) *Separate dwellings.* A husband and wife who reside in the same dwelling are considered members of the same household. In addition, a husband and wife who reside in two separate dwellings are considered members of the same household if the spouses are not estranged or one spouse is temporarily absent from the other's household within the meaning of subclause (II).

(II) *Temporary absences.* An electing spouse and a nonelecting spouse are considered members of the same household during either spouse's temporary absences from the household if it is reasonable to assume that the absent spouse will return to the household; and the household or a substantially equivalent household is maintained in anticipation of the return. Examples of temporary absences may include absence due to incarceration, illness, business, vacation, military service or education.

(ii) *Election not valid with respect to certain deficiencies.* If the individual making an election under this subsection had actual knowledge, at the time the individual signed the return, of any item giving rise to a deficiency (or portion thereof) which is not allocable to the individual under paragraph (3), an election does not apply to the deficiency or any portion.

(A) *Actual knowledge—omitted income.* In the case of omitted income, knowledge of the item includes knowledge of the receipt of the income. This rule applies equally in situations where the other spouse has unreported income although the spouse does not have an actual receipt of cash (such as, dividend reinvestment or a distributive share from a flow-through entity).

Example. W received \$5,000 of dividend income from her investment in X Company but did not report it on the joint return. H knew that W received \$5,000 of dividend income from X Company that year. H had actual knowledge of the erroneous item (that is, \$5,000 of unreported dividend income from X Company); and no relief is available under this section for the deficiency attributable to the dividend income from X Company.

(B) *Actual knowledge—deduction or credit.* In the case of an erroneous deduction or credit, knowledge of the item means knowledge of the facts that made the item not allowable as a deduction or credit. If a deduction is fictitious or inflated, the Department must establish that the electing spouse actually knew that the expenditure was not incurred or not incurred to that extent.

(C) *Partial knowledge.* If an electing spouse had actual knowledge of only a portion of an erroneous item, then relief is not available for that portion of the erroneous item. An electing spouse's actual knowledge of the proper tax treatment of an item is not relevant for purposes of demonstrating that the electing spouse had actual knowledge of an erroneous item. In addition, an electing spouse's knowledge of how an erroneous item was treated on the tax return is not relevant to a determination of whether the electing spouse had actual knowledge of the item.

Example 1. If H knew that W received \$5,000 of gambling winnings but did not know that W's actual winnings were \$25,000, relief would not be available for the portion of the deficiency attributable to the \$5,000 of income of which H had actual knowledge.

Example 2. Relief is not available under this subsection when H knew that W received winnings of \$5,000 but did not know they were taxable.

Example 3. H knew of W's winnings, but H failed to review the completed return and did not know that W omitted the income from the return. Relief is not available under this subsection.

(D) *Knowledge of the source not sufficient.* Knowledge of the source of an erroneous item is not sufficient to establish actual knowledge. In addition, an electing spouse's actual knowledge may not be inferred when the electing spouse merely had reason to know of the erroneous item. Similarly, the Department need not establish that an electing spouse knew the source of an erroneous item to establish that the electing spouse had actual knowledge of the item itself.

Example 1. H knew that W owned X Company stock, but H did not know that X Company paid dividends that year. H's knowledge of W's ownership in X Company is not sufficient to establish that H had actual knowledge of the dividend income from X Company. Even if H's

knowledge of W's ownership interest in X Company indicates a reason to know of the dividend income, actual knowledge of the dividend income cannot be inferred from H's reason to know.

Example 2. H knew that W received \$5,000, but he did not know the source of the \$5,000. W and H omit the \$5,000 from their joint return. H had actual knowledge of the erroneous item (that is, the omitted \$5,000). No relief is available under this subsection.

(E) *Factors supporting actual knowledge.* To demonstrate that an electing spouse had actual knowledge of an erroneous item at the time the return was signed, the Taxpayers' Rights Advocate may rely upon all the facts and circumstances. One factor that may be relied upon in demonstrating that an electing spouse had actual knowledge of an erroneous item is whether the electing spouse made a deliberate effort to avoid learning about the item to be shielded from liability. This factor, together with all other facts and circumstances, may demonstrate that the electing spouse had actual knowledge of the item, and the electing spouse's election would be invalid with respect to that entire item. Another factor that may be relied upon in demonstrating that an electing spouse had actual knowledge of an erroneous item is whether the electing spouse and the nonelecting spouse jointly owned the property that resulted in the erroneous item. Joint ownership is a factor supporting a finding that the electing spouse had actual knowledge of an erroneous item.

(iii) *Disqualified asset transfers.*

(A) *In general.* The portion of the deficiency for which an electing spouse is liable is increased (up to the entire amount of the deficiency) by the value of any disqualified asset that was transferred to the electing spouse. For purposes of this subparagraph, the value of a disqualified asset is the fair market value of the asset on the date of the transfer.

(B) *Presumption.* Any asset transferred from the nonelecting spouse to the electing spouse during the 12-month period before the mailing date of the Department's first billing notice of the tax liability for which innocent spouse relief is requested is presumed to be a disqualified asset. The presumption also applies to any asset that is transferred from the nonelecting spouse to the electing spouse after the mailing date of the first billing notice. The presumption does not apply, however, if the electing spouse establishes that the asset was transferred pursuant to a divorce decree or a separate maintenance order or a written instrument incident to the decree or court order. If the presumption does not apply, but the Department can establish that the purpose of the transfer was the avoidance of tax or payment of tax, the asset will be disqualified, and its value (up to the entire amount of the deficiency) will be added to the amount of the deficiency for which the electing spouse remains liable. If the presumption applies, an electing spouse may still rebut the presumption by establishing that the principal purpose of the transfer was not the avoidance of tax or payment of tax.

Example 1. Disqualified asset presumption. H and W are divorced. In May 2005, W transfers \$20,000 to H, and in April 2006, H and W receive a billing notice proposing a \$40,000 deficiency on their 2004 joint Pennsylvania Personal Income Tax return. The liability remains unpaid, and in October 2006, H elects to allocate the deficiency under this section. Seventy-five percent of the net amount of erroneous items is allocable to W, and 25% of the net amount of erroneous items is allocable to H.

In accordance with the proportionate allocation method (see paragraph (3)), H proposes that \$30,000 of the deficiency be allocated to W and \$10,000 be allocated to himself. H submits a signed statement providing that the principal purpose of the \$20,000 transfer was not the avoidance of tax or payment of tax, but he does not submit any documentation indicating the reason for the transfer. H has not overcome the presumption that the \$20,000 was a disqualified asset. Therefore, the portion of the deficiency for which H is liable (\$10,000) is increased by the value of the disqualified asset (\$20,000). H is relieved of liability for \$10,000 of the \$30,000 deficiency allocated to W, and remains jointly and severally liable for the remaining \$30,000 of the deficiency (assuming that H does not qualify for relief under any other provision).

Example 2. Disqualified asset presumption inapplicable. On May 1, 2001, H and W receive a billing notice regarding a proposed deficiency on their 1999 joint Pennsylvania Personal Income Tax return relating to an unreported capital gain from H's sale of his investment in Z stock. W had no actual knowledge of the stock sale. The deficiency is assessed in November 2001, and in December 2001, H and W divorce. According to a decree of divorce, H must transfer 1/2 of his interest in mutual fund A to W. The transfer takes place in February 2002. In August 2002, W elects to allocate the deficiency to H. Although the transfer of 1/2 of H's interest in mutual fund A took place after the billing notice was mailed, the mutual fund interest is not presumed to be a disqualified asset because the transfer of H's interest in the fund was made pursuant to a decree of divorce.

Example 3. Overcoming the disqualified asset presumption. H and W are married for 25 years. Every September, on W's birthday, H gives W a gift of \$500. On February 28, 2007, H and W received a billing notice from the Department relating to their 2003 joint Pennsylvania Personal Income Tax return. The deficiency relates to H's business, and W had no knowledge of the items giving rise to the deficiency. H and W are legally separated in June 2004, and, despite the separation, H continues to give W \$500 each year for her birthday. H is not required to give the amounts pursuant to a decree of divorce or separate maintenance. On January 27, 2009, W files an election to allocate the deficiency to H. The \$1,500 transferred from H to W from February 28, 2006, (a year before the billing notice was mailed) to the present is presumed disqualified. However, W may overcome the presumption that the amounts were disqualified by establishing that the amounts were birthday gifts from H and that she has received the gifts during their entire marriage. Those facts would show that the amounts were not transferred for the purpose of avoidance of tax or payment of tax.

(3) *Allocation of relief.*

(i) *Allocation of erroneous items.* For purposes of allocating a deficiency under this section, erroneous items are generally allocated to the spouses as if separate returns were filed, subject to the following exceptions:

(A) *Benefit on the return.* An erroneous item that would otherwise be allocated to the nonelecting spouse is allocated to the electing spouse to the extent that the electing spouse received a tax benefit on the joint return.

(B) *Fraud.* The Taxpayers' Rights Advocate may allocate any item between the spouses if the Department establishes that the allocation is appropriate due to fraud by one or both spouses.

(C) *Erroneous items of income.* Erroneous items of income are allocated to the spouse who was the source of the income. Compensation is allocated to the spouse who performed the services producing the compensation. Items of business or investment income are allocated to the spouse who owned the business or investment. If both spouses owned an interest in the business or investment, the erroneous item of income is generally allocated between the spouses in proportion to each spouse's ownership interest in the business or investment, subject to the limitations of this paragraph. In the absence of clear and convincing evidence supporting a different allocation, an erroneous income item relating to an asset that the spouses owned jointly is generally allocated 50% to each spouse, subject to the limitations in this paragraph and the exceptions in this subparagraph.

(D) *Erroneous deduction items.* Erroneous deductions related to a business or investment are allocated to the spouse who owned the business or investment. If both spouses owned an interest in the business or investment, an erroneous deduction item is generally allocated between the spouses in proportion to each spouse's ownership interest in the business or investment. In the absence of clear and convincing evidence supporting a different allocation, an erroneous deduction item relating to an asset that the spouses owned jointly is generally allocated 50% to each spouse, subject to the limitations in this paragraph and the exceptions in this subparagraph. Deduction items unrelated to a business or investment are also allocated 50% to each spouse, unless the evidence shows that a different allocation is appropriate.

(ii) *Allocation method.*

(A) *Proportionate allocation.* The portion of a deficiency allocable to the electing spouse is the amount that bears the same ratio to the deficiency as the net amount of erroneous items allocable to the electing spouse bears to the net amount of all erroneous items. This calculation may be expressed as follows:

$$X = (\text{deficiency}) * \left(\frac{\text{net amount of erroneous items allocable to the electing spouse}}{\text{net amounts of all erroneous items}} \right)$$

X = Electing spouse's share of deficiency

(B) *Items proportionately allocated.* The proportionate allocation in clause (A) applies to any portion of the deficiency, except for the following:

(I) Any portion of the deficiency attributable to erroneous items allocable to the nonelecting spouse of which the electing spouse had actual knowledge.

(II) Any portion of the deficiency attributable to penalties.

(C) *Penalties.* Any additions, penalties and fees under section 352 of the TRC of 1971 (72 P.S. § 7352) are allocated to the spouse whose item generated the cost.

(D) *Examples.* In each example, the electing spouse or spouses qualify to elect to allocate the deficiency, that any election is timely made, and that the deficiency remains unpaid. In addition, unless otherwise stated, assume that neither spouse has actual knowledge of the erroneous items allocable to the other spouse.

Example 1. Allocation of erroneous items. W and H timely file their 2005 joint Pennsylvania Personal Income Tax return on April 15, 2006. On October 17, 2006, the

Department issued an assessment with respect to their 2005 joint return. The following erroneous items give rise to the deficiency:

A disallowed business expense for H's business.

A disallowed deduction for educational expenses reported by W.

Unreported interest income from a joint account. H and W divorce on January 4, 2007, and W timely elects to allocate the deficiency. The erroneous items are allocated as follows:

The disallowed business expense is allocable to H.

The disallowed educational expense is allocable to W.

The unreported interest income from the joint account normally would be allocated 1/2 to H and 1/2 to W, but because both H and W had knowledge of the income, an election to allocate this portion of the deficiency is invalid.

Example 2. Proportionate allocation. W and H timely file their 2005 joint Pennsylvania Personal Income Tax return on April 15, 2006. On October 17, 2006, the Department issued an assessment for \$12,280 with respect to their 2005 joint return. H and W divorce on December 4, 2006, and W timely elects to allocate the deficiency. The following erroneous items give rise to the deficiency:

\$300,000 business loss allocable to H.

Deduction under section 179 of the IRC (26 U.S.C.A. § 179) of \$60,000 allocable to H.

\$15,000 deduction for unreimbursed employee business expenses allocable to W.

\$25,000 of unreported interest allocable to W.

H's items:

W's items:

\$300,000 Business loss

\$25,000 Interest

\$60,000 Section 179

\$15,000 Unreimbursed employee business expenses

In total, there are \$400,000 of erroneous items, of which \$40,000 is attributable to W and \$360,000 is attributable to H. The ratio of erroneous items allocable to W to the total erroneous items is 1/10 (\$40,000/\$400,000).

$$\$1,228 = (\$12,280) * \frac{\$40,000}{\$400,000}$$

W's liability is limited to \$1,228 of the deficiency (1/10 of \$12,280). The Department may collect up to \$1,228 from W and up to \$12,280 from H. The total amount collected, however, may not exceed \$12,280. If H also made an election, there would be no remaining joint and several liability, and the Department would be permitted to collect \$1,228 from W and \$11,052 from H.

Example 3. Proportionate allocation with joint erroneous item. On September 4, 2006, W elects to allocate to H a \$921 deficiency for the 2005 tax year. The following erroneous items give rise to the deficiency:

Unreported interest in the amount of \$20,000 from a joint bank account.

Disallowed unreimbursed employee business expenses of \$2,000 attributable to W.

Disallowed business expenses in the amount of \$8,000 attributable to H's business.

The erroneous items total \$30,000. Generally, income, deductions, or credits from jointly held property that are

erroneous items are allocable 50% to each spouse. However, in this case, both spouses had actual knowledge of the unreported interest income. Therefore, W's election to allocate the deficiency attributable to the interest is invalid. W and H remain jointly and severally liable for the tax due on the interest. The tax due on the interest is \$614. W may allocate the remaining \$10,000. The tax due on the amount to be allocated is \$307.

H's items:

\$8,000 Business expenses

W's items:

\$2,000 Unreimbursed
employee business
expenses

Total allocable items: \$10,000

$$\$61.40 = (\$307) * \frac{\$2,000}{\$10,000}$$

W's remaining tax liability = \$724; [\$61 (Allocable to W) + \$614 (Nonallocable portion of deficiency)]

H's liability = \$921. The Department would be permitted to collect \$724 from W and \$921 from H. The total amount collected, however, may not exceed \$921.

If H were also to make an election, the Department would be permitted to collect \$860 from H. [(8) (\$307) = \$246 Portion allocable to H]; [\$860 = \$246 + 614 (Nonallocable portion of deficiency)]

(4) *Burden of proof.* Except for establishing actual knowledge under paragraph (2)(ii), the electing spouse must prove that all of the qualifications for making an election under this section are satisfied and that none of the limitations (including the limitation relating to transfers of disqualified assets) apply. The electing spouse must also establish the proper allocation of the erroneous items.

(5) *Limitations.* The relief available under this subsection is limited to relief for understated tax. Refunds are not authorized under this subsection.

(e) *Relief by income allocation for unpaid tax or an understatement of tax if relief was unavailable under subsections (c) and (d).*

(1) *In general.* Using the factors provided in paragraph (3), if the electing spouse is divorced, widowed, or legally separated and the factors favoring relief outweigh the factors weighing against relief and none of the limitations in paragraph (2) apply, the Taxpayers' Rights Advocate may allocate the electing spouse's tax liability as provided in paragraph (3).

(2) *Relief limitations.*

(i) The income tax liability which the electing spouse seeks relief must be attributable to an item of the other spouse (or former spouse) with whom the electing spouse filed the joint return, unless one of the following exceptions applies:

(A) An electing spouse has only nominal ownership of an item. If an item is titled in the name of the electing spouse, the item is presumptively attributable to the electing spouse. This presumption is rebuttable.

Example: H opens an individual retirement account (IRA) in W's name and forges W's signature on the IRA in 1980. Thereafter, H makes contributions to the IRA. In 2007, when H is age 50, H takes a distribution from the IRA. H and W file a joint return for the 2007 taxable year but do not report the taxable portion of the distribution on their joint return. The Department issues an assessment relating to the IRA distribution and assesses the

deficiency against H and W. W requests relief from joint and several liability under this section. W establishes that W had no knowledge of the IRA account, did not contribute to the IRA, sign paperwork relating to the IRA, or otherwise act as if she were the owner of the IRA. W thereby rebutted the presumption the IRA is attributable to W.

(B) If the electing spouse did not know and had no reason to know that funds intended for the payment of tax were misappropriated by the nonelecting spouse for the nonelecting spouse's benefit, the Taxpayers' Rights Advocate will consider granting equitable relief in this case only to the extent that the funds intended for the payment of tax were taken by the nonelecting spouse.

(C) If the electing spouse establishes he was the victim of abuse prior to the time the return was signed, and that, as a result of the prior abuse, the electing spouse did not challenge the treatment of any items on the return for fear of the nonelecting spouse's retaliation, the Taxpayers' Rights Advocate will consider granting equitable relief although the understatement may be attributable in part or in full to an item of the electing spouse.

(ii) Refunds are not available under this subsection. Relief is limited to reducing or eliminating an electing spouse's tax deficiency.

(iii) Relief is not available for unpaid tax that is a separate liability of the taxpayer's spouse and is for a tax year more than 12 months prior to the legal separation or divorce of the taxpayer from the spouse or for a tax year more than 12 months prior to the date the taxpayer and the spouse were no longer members of the same household as described in subsection (d)(2)(i)(C).

(iv) Relief is not available if an electing spouse has taxable income and has not filed the return required by section 330 of the TRC (72 P. S. § 7331) or if an electing spouse has an outstanding personal income tax liability for a tax year or tax years other than the year or years for which the electing spouse is seeking relief under this section.

(v) Relief is not available for an electing spouse unless one of the following conditions is met:

(A) At the time the election is filed, the individual is no longer married to, or is legally separated from, the individual with whom the individual filed the joint return to which the election relates.

(B) The electing individual was not a member of the same household as the individual with whom the joint return was filed at any time during the 12-month period ending on the date the election is filed.

(3) Factors for determining whether to grant relief as described in this subsection. The Taxpayers' Rights Advocate will consider the following factors in determining whether, taking into account all the facts and circumstances, it is inequitable to hold the electing spouse liable for all or part of the tax deficiency or unpaid tax:

(i) *Knowledge or reason to know.* The electing spouse's knowledge or reason to know of a deficiency or the failure to pay the reported tax liability is a factor weighing against relief. The lack of the knowledge, however, is not a factor weighing in favor of granting relief.

(A) *Unpaid tax.* In the case of an income tax liability that was properly reported but not paid, the electing spouse's actual knowledge or reason to know that the nonelecting spouse would not pay the income tax liability is a factor weighing against relief.

(B) *Deficiency cases.* Actual knowledge of the item giving rise to the deficiency is a strong factor weighing against relief. This strong factor only may be overcome if the factors in favor of relief are compelling. Reason to know of the item giving rise to the deficiency rather than actual knowledge will not be weighed more heavily than other factors.

(C) *Reason to know.* For purposes of clauses (A) and (B), in determining whether the electing spouse had reason to know, the Taxpayers' Rights Advocate will consider the electing spouse's level of education, any deceit or evasiveness of the nonelecting spouse, the electing spouse's degree of involvement in the activity generating the income tax liability, the electing spouse's involvement in business and household financial matters, the electing spouse's business or financial expertise, and any lavish or unusual expenditures compared with past spending levels.

(ii) *Abuse.* The presence of abuse by the nonelecting spouse is a factor favoring relief. The lack of abuse by the nonelecting spouse will not be weighed against relief. A history of abuse by the nonelecting spouse may mitigate an electing spouse's knowledge or reason to know.

(iii) *Nonelecting spouse's legal obligation.* The nonelecting spouse's legal obligation to pay the outstanding income tax liability pursuant to a divorce decree or agreement will not weigh in favor of relief if the electing spouse knew or had reason to know, when entering into the divorce decree or agreement, that the nonelecting spouse would not pay the income tax liability.

(iv) *Significant benefit.* The electing spouse has significantly benefited beyond normal support from the unpaid liability. Evidence of direct or indirect benefit may consist of transfers of property or rights to property, including transfers that may be received several years after the year of the understatement. The receipt of a significant benefit is a strong factor weighing against relief. The failure of the electing spouse to receive a significant benefit will not weigh in favor of relief.

Example. If an electing spouse receives property (including life insurance proceeds) from the nonelecting spouse that is beyond normal support and traceable to items omitted from gross income that are attributable to the nonelecting spouse, the electing spouse will be considered to have received significant benefit from those items.

(v) *Compliance with income tax laws.* The failure of an electing spouse to comply with Article III of the TRC (72 P. S. §§ 7301–7361) in the taxable years following the taxable year or years to which the request for relief relates is a strong factor weighing against relief without clear evidence that the electing spouse made a good faith effort to comply.

(vi) *Economic hardship.* Whether the electing spouse would suffer economic hardship if the Taxpayers' Rights Advocate does not grant relief from the income tax liability. Economic hardship is present when the electing spouse is unable to pay reasonable basic living expenses. The determination of a reasonable amount of basic living expenses will vary according to the circumstances of the individual taxpayer. These circumstances, however, do not include the maintenance of an affluent or luxurious standard of living. In determining a reasonable amount for basic living expenses, the Taxpayers' Rights Advocate will consider information provided by the taxpayer including the following:

(A) The taxpayer's age, employment status and history, ability to work, number of dependents, and status as a dependent of someone else.

(B) The amount reasonably necessary for food, clothing, housing (including utilities, homeowner insurance, homeowner dues, and the like), medical expenses (including health insurance), transportation, current tax payments (including Federal, State and local), alimony, child support, or other court-ordered payments, and expenses necessary to the taxpayer's production of income (such as dues for a trade union or professional organization, or child care payments which allow the taxpayer to be gainfully employed).

(C) The cost of living in the geographic area in which the taxpayer resides.

(D) The amount of property exempt from levy which is available to pay the taxpayer's expenses.

(E) Extraordinary circumstances such as special education expenses, a medical catastrophe or natural disaster.

(F) Eligibility for tax forgiveness in current and tax years subsequent to the tax year for which relief is requested.

(vii) *Mental or physical health.* In determining whether the electing spouse was in poor mental or physical health on the date the electing spouse signed the return or at the time the electing spouse requested relief, the Taxpayers' Rights Advocate will consider the nature, extent, and duration of illness when weighing this factor, but the lack of evidence of poor mental or physical health of an electing spouse will not weigh against relief.

(4) *Allocation method for unpaid tax.* The electing spouse's liability for unpaid tax (including interest, penalties and other charges) is determined using the items reported on the joint return and calculating the separate return amount due from the electing spouse in accordance with the following:

(i) Income, deductions and credits earned by, paid to, paid by, or attributable to solely one spouse will be assigned to that spouse.

(ii) Except for estimated tax payments made jointly and a payment made with the joint return from joint funds of both spouses, income, deductions and credits earned by, paid to, paid by, or attributable to both spouses jointly, or paid from joint funds of both spouses will be divided equally between the spouses.

(iii) The portion of the estimated tax payments made jointly and the payment made with the joint return that is from joint funds of the spouses that is allocable to each spouse is the amount that bears the same ratio to the sum of the spouse's joint estimated payments and joint payment with the return as the separate return amount of each spouse's total income less compensation bears to the total income less compensation reported on the joint return.

Example 1: H and W filed a joint 2006 Pennsylvania Personal Income Tax return on February 1, 2007, and reported a tax due amount of \$307. H and W did not include any payment with the return. H and W had separate checking accounts. W did not participate in H's business. The Department issued an assessment for the \$307 on October 1, 2007. H and W did not file a petition for reassessment. On November 1, 2008, H and W's divorce was finalized. On July 15, 2009, W filed the forms required to request innocent spouse relief for the tax

assessment issued on October 1, 2007. W timely filed her 2007 and 2008 Pennsylvania Personal Income Tax returns and paid the tax due with the return. W states that she assumed H wrote a check for the 2006 tax due and enclosed the check with the return because in previous

years he paid the tax due with the return because her earnings were subject to withholding tax and H had no withholding tax. In addition, the interest they earned each year generally was less than the unreimbursed business expenses W incurred.

H and W's joint return reported the following:

| | | |
|---------------------------------|------------|----------|
| Gross Compensation | \$40,000 | |
| (Unreimbursed Business Expense) | (\$10,000) | |
| Net Compensation | | \$30,000 |
| Net Profits | | \$40,000 |
| Interest | | \$10,000 |
| Total PA Taxable Income | | \$80,000 |
| (Other Deductions) | (\$10,000) | |
| Adjusted PA Taxable Income | | \$70,000 |
| PA Tax Liability | | \$2,149 |
| Total PA Tax Withheld | \$1,228 | |
| Resident Credit | \$614 | |
| Tax Due | | \$307 |

If H and W were to have filed separate returns, the returns would appear as follows:

H's Separate Return:

| | | |
|---------------------------------|-----------|----------|
| Gross Compensation | — | |
| (Unreimbursed Business Expense) | — | |
| Net Compensation | | — |
| Net Profits | | \$40,000 |
| Interest | | \$5,000 |
| Total PA Taxable Income | | \$45,000 |
| (Other Deductions) | (\$5,000) | |
| Adjusted PA Taxable Income | | \$40,000 |
| PA Tax Liability | | \$1,228 |
| Resident Credit | \$614 | |
| Tax Due | | \$614 |

W's Separate Return:

| | | |
|---------------------------------|------------|----------|
| Gross Compensation | \$40,000 | |
| (Unreimbursed Business Expense) | (\$10,000) | |
| Net Compensation | | \$30,000 |
| Net Profits | | — |
| Interest | | \$5,000 |
| Total PA Taxable Income | | \$35,000 |
| (Other Deductions) | (\$5,000) | |
| Adjusted PA Taxable Income | | \$30,000 |
| PA Tax Liability | | \$921 |
| Total PA Tax Withheld | \$1,228 | |
| Overpayment | | \$307 |

Factors weighing in favor of granting W relief are W's divorce from H within the year following the tax year for which she is seeking tax relief. H and W did not have a joint checking account, and in past years, H paid the tax due with each return with a check from his account. W's withholding exceeded the tax liability attributable to the income allocable to her. W has no outstanding tax liabilities, and she properly filed her 2007 and 2008 Pennsylvania Personal Income Tax returns. Both years her withholding tax exceeded the tax due with the return. No evidence exists for factors weighing against granting relief from the tax liability attributable to H's income.

The Taxpayers' Rights Advocate may grant W relief on the assessment because the factors weighing in favor of granting relief exceed the factors weighing against granting relief. W does not receive a refund. H is liable for the \$307 tax due with H and W's 2007 joint return.

Example 2: H and W have lived apart since December 2008. H and W filed a joint income tax return for tax year 2006. The return included the following:

| | |
|---------------------------------------|-----------|
| Compensation (H-\$40,000; W-\$40,000) | \$80,000 |
| Interest | \$8,000 |
| Rent | \$12,000 |
| Total PA Taxable Income | \$100,000 |
| PA Tax Liability | \$3,070 |
| Total PA Tax Withheld | \$2,456 |
| Tax Due | \$614 |

H and W did not pay the tax due. H and W only had a joint checking account, and the interest they received related to jointly held investment. The rental property was owned by H and W. W regularly picked up and opened the household mail.

W received a notice that her Federal income tax refund would be intercepted to pay the 2006 Pennsylvania Personal Income Tax liability. W filed an election to obtain innocent spouse relief. W did not present any evidence that she would suffer economic hardship if relief was not granted. W's tax returns for subsequent tax years were filed and any tax due was paid.

Since H and W's employers withheld the applicable income tax on the compensation they earned, the unpaid tax due related to the interest and rental income. Since this income is attributable to jointly held property, if H and W had filed separate returns, they each would have reported half of the interest income and rental income. Accordingly, if the Taxpayers' Rights Advocate grants W any relief, the relief which may be granted is limited to 50% of the outstanding liability.

The factors weighing against granting even 50% relief outweigh the factors favoring relief because no factor weighs in favor of relief. W had reason to know that the tax due was not paid with the return and is outstanding. The income on which the tax was not paid was attributable to jointly held property. The Taxpayers' Rights Advocate should not grant W relief.

Example 3: H and W divorced in November 2008. H and W filed a joint income tax return for tax year 2003. The return included the following:

| | |
|---------------------------------------|-----------|
| Compensation (H-\$40,000; W-\$40,000) | \$80,000 |
| Interest | \$8,000 |
| Rent | \$12,000 |
| Total PA Taxable Income | \$100,000 |

| | |
|-----------------------|---------|
| PA Tax Liability | \$3,070 |
| Total PA Tax Withheld | \$2,456 |
| Tax Due | \$614 |

H and W did not pay the tax due. H and W only had a joint checking account, and the interest they received related to jointly held investment. The rental property was owned by H and W. W regularly picked up and opened the household mail.

W received a notice that her Federal income tax refund would be intercepted to pay the 2003 Pennsylvania Personal Income Tax liability. W filed an election to obtain innocent spouse relief. W did not present any evidence that she would suffer economic hardship if relief was not granted. W's tax returns for subsequent tax years were filed and any tax due was paid.

The unpaid tax due is attributable to income obtained from jointly held property. If H and W had filed separate returns, they each would have reported half of the interest income and rental income.

No relief may be granted because W is seeking relief for a tax year more than 12 months before she was divorced or maintained a separate household from her spouse.

(5) *Burden of proof.* The electing spouse must prove that the allocation of the income, deductions, credits, and other items from the joint return to separate returns is correct.

(f) *Procedure for requesting relief.*

(1) *Election.*

(i) To make an election for the relief available in subsections (c) and (d), an electing spouse shall complete and file with the Taxpayers' Rights Advocate the forms and documentation prescribed by the Department.

(ii) A valid election under this section is the first timely claim for relief from joint and several liability for the tax year for which relief is sought. A valid election also includes an electing spouse's second election to seek relief from joint and several liability for the same tax year under subsection (d) when the following apply:

(A) The electing spouse did not qualify for relief under subsection (d) when the Taxpayers' Rights Advocate considered the first election solely because the qualifications of subsection (d)(2)(i)(A) were not satisfied.

(B) At the time of the second election, the qualifications for relief under subsection (d) are satisfied.

(iii) An electing spouse is entitled to only one final administrative determination of relief under this section for a given liability, unless the electing spouse properly submits a second request for relief as described in subparagraph (ii). A taxpayer's failure to make a valid election as provided in subsection (g)(1) is not an election for relief, and the Taxpayers' Rights Advocate notice to the Taxpayer of the invalid election is not an administrative determination of relief.

(2) *Timing of election.*

(i) The forms prescribed by the Department shall be filed no later than 2 years from the date of the first collection activity against the electing spouse with respect to the joint tax liability.

(ii) The Taxpayers' Rights Advocate may not consider a claim for innocent spouse relief that is filed for a tax year prior to the date the tax becomes collectible by the Department.

(g) *Taxpayers' Rights Advocate's procedure.*

(1) *Invalid election.* If the taxpayer fails to complete and provide the prescribed forms and documentation required for a valid election, the taxpayer will be notified that the forms as submitted do not qualify as an election and will advise the electing spouse what information or documentation must be provided to make the election. If the taxpayer fails to cure the inadequacy of the election, the Taxpayers' Rights Advocate will notify the electing spouse that a decision cannot be rendered.

(2) *Spousal notification.* The Taxpayers' Rights Advocate will notify the nonelecting spouse of the valid election filed by the spouse for relief under this section and give the nonelecting spouse the opportunity to become a party to any proceeding or object to the Taxpayers' Rights Advocate's proposed allocation.

(3) *Relief determination.* The Taxpayers' Rights Advocate will determine the portion of the tax that will be apportioned or allocated solely to the nonelecting spouse as permitted under subsections (c), (d) and (e) and grant the electing spouse relief from joint and several liability for the amounts.

(4) *Notification of relief.* Within 6 months of the Taxpayers' Rights Advocate's notice of its receipt of a valid election, the Taxpayers' Rights Advocate will notify the electing spouse of the relief granted.

(5) *Appeal rights.*

(i) The electing spouse may appeal any of the following actions by filing a petition as prescribed in section 2704 of the TRC of 1971 (72 P. S. § 9704):

(A) A denial of the election for relief available in subsections (c) and (d).

(B) The Taxpayers' Rights Advocate's failure to notify the electing spouse of a decision within 6 months of the date of the electing spouse's valid election.

(ii) Since a taxpayer elects the relief available under subsections (c) and (d) and the right of appeal is limited to a denial of the taxpayer's election or the failure to notify the taxpayer of a decision within 6 months of the valid election, the Taxpayers' Rights Advocate's decision to deny relief described in subsection (e) is not subject to review.

(h) *Relief for penalties, interest and other charges.* Relief for penalties, interest and other charges follows relief granted on the underlying tax. Thus, if an electing spouse is eligible for relief from tax, the electing spouse is also eligible for relief from the corresponding penalties, interest and other charges. Relief is not available under this section if there was no underpayment of tax on the tax return or the tax reported as due with the return was paid with the return.

Example: Taxpayers filed a joint return late, paid the tax but still owed penalties and interest for filing late. Relief is not available under this section.

[Pa.B. Doc. No. 10-640. Filed for public inspection April 9, 2010, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Public Welfare

The Exexecutive Board approved a reorganization of the Department of Public Welfare effective March 22, 2010.

The organization chart at 40 Pa.B. 1927 and 1928 (April 10, 2010) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)*

[Pa.B. Doc. No. 10-641. Filed for public inspection April 9, 2010, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Insurance Department

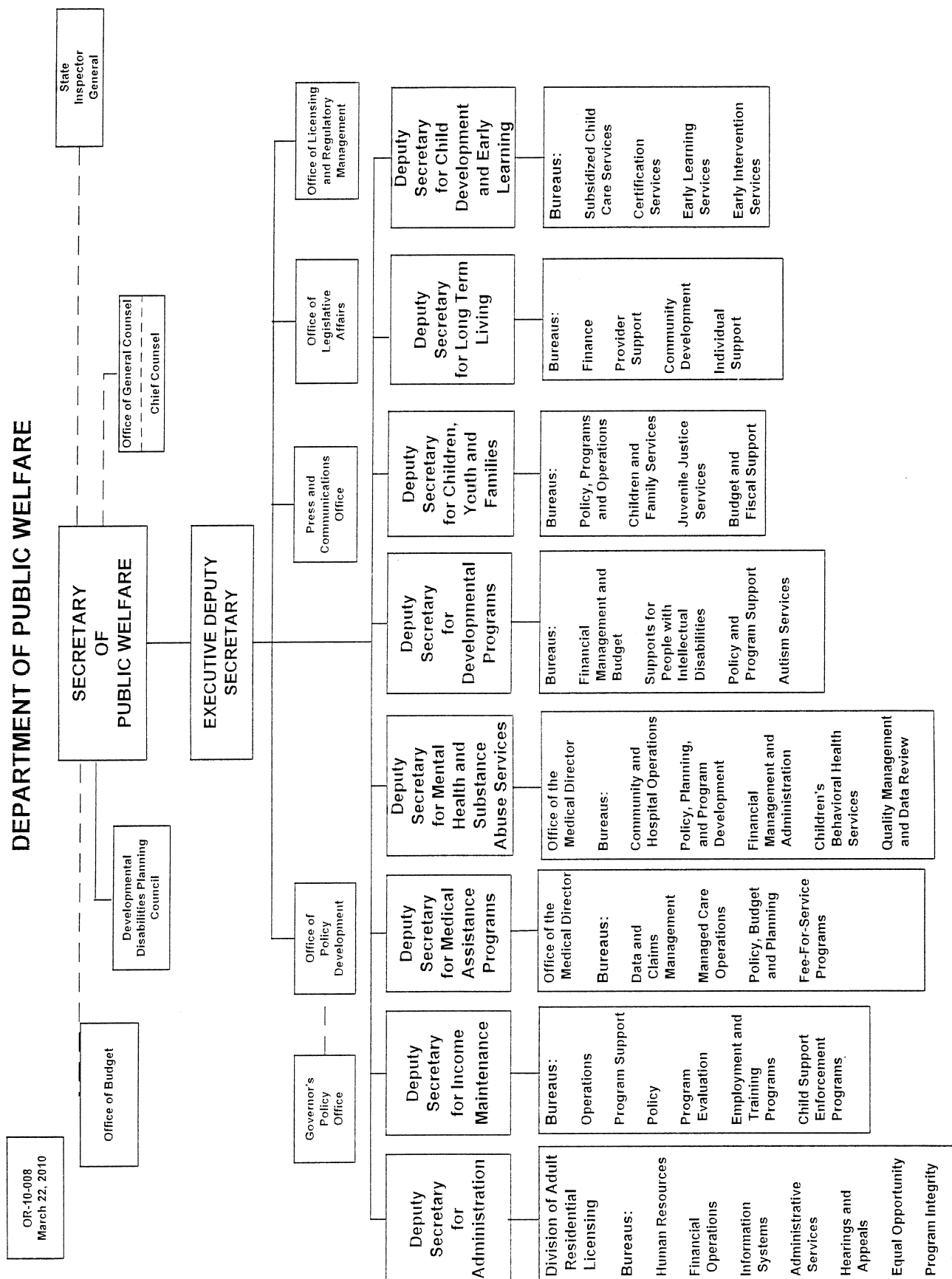
The Exexecutive Board approved a reorganization of the Insurance Department effective March 9, 2010.

The organization chart at 40 Pa.B. 1929 (April 10, 2010) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)*

[Pa.B. Doc. No. 10-642. Filed for public inspection April 9, 2010, 9:00 a.m.]

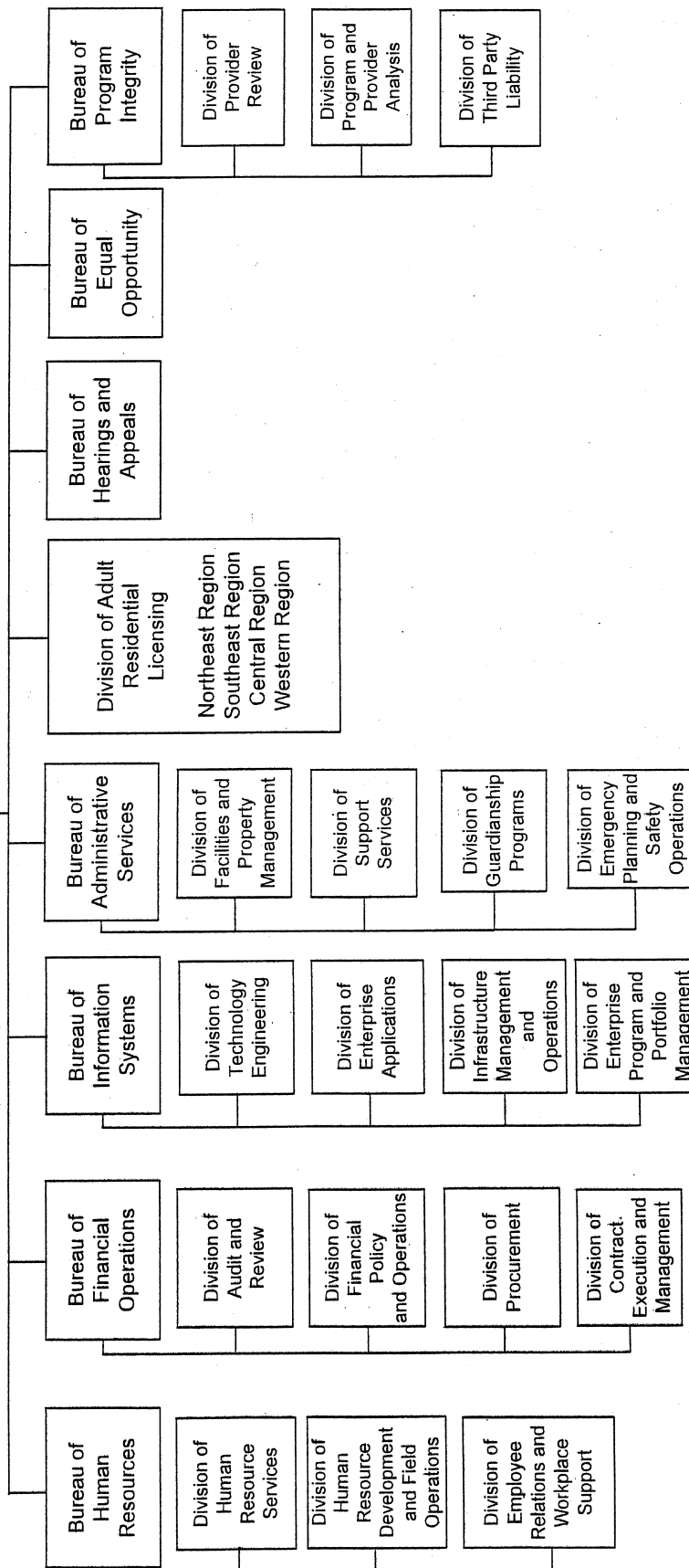
DEPARTMENT OF PUBLIC WELFARE



DEPARTMENT OF PUBLIC WELFARE
DEPUTY SECRETARY FOR ADMINISTRATION

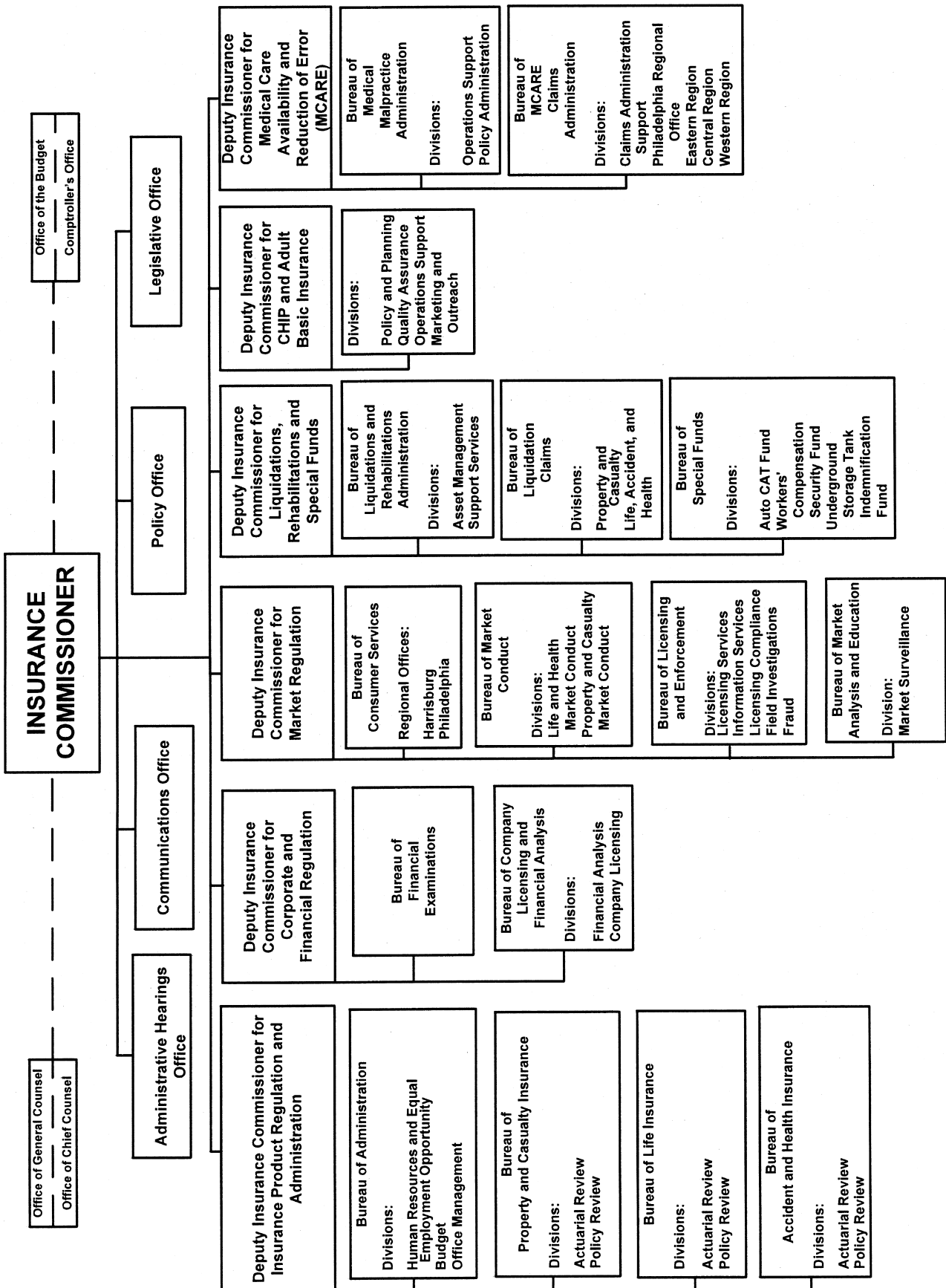
DEPUTY SECRETARY
FOR
ADMINISTRATION

OR-10-008
March 22, 2010



OR-10-006
March 9, 2010

INSURANCE DEPARTMENT



Title 61—REVENUE

DEPARTMENT OF REVENUE

Omissions to 2010 Tax Amnesty Program Guidelines

Omissions occurred in the document which appeared at 39 Pa.B. 6872—6876 (December 5, 2009) giving notice to the public, in accordance with Act 48 of 2009 which established the Pennsylvania Tax Amnesty Program (Amnesty Program).

The omissions were “Section 14. Denial of interest and penalty abatement” and “Section 15. Appeals of denial of interest and penalty reinstatement.” The correct version is as follows with ellipses referring to the existing text as it appeared at 39 Pa.B. 6872—6876:

2010 Tax Amnesty Program Guidelines

Section. Topic.

* * * * *

14. Denial of interest and penalty abatement
15. Appeals of denial of interest and penalty reinstatement

1. Overview of Program

* * * * *

14. Denial of interest and penalty abatement

The Department will deny abatement of an eligible interest and penalty liability of a taxpayer who fails to meet the requirements of the Amnesty Program as specified in Section 5 (relating to participation requirements).

Notice of the denial will be in the form of a Notice of Denial of Interest and Penalty Abatement and will be mailed by the Department to the taxpayer.

15. Appeals of denial of interest and penalty reinstatement

A taxpayer that has been denied interest and penalty abatement under the Amnesty Program or that has had interest and penalties reinstated as provided in Section 13 (relating to post amnesty enforcement) may appeal the decision to the Board of Appeals under 61 Pa. Code Chapter 7 (relating to Board of Appeals) no later than 30 days after the mailing date of the Notice of Denial of Interest and Penalty Abatement or Notice of Penalty Reinstatement.

* * * * *

C. DANIEL HASSELL,
Acting Secretary

[Pa.B. Doc. No. 10-643. Filed for public inspection April 9, 2010, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 23, 2010.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Holding Company Acquisitions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|--|---------------|
| 3-17-2010 | Metro Bancorp, Inc. Harrisburg Dauphin County Application for approval to acquire 100% of Republic First Bancorp, Inc., Philadelphia, and thereby indirectly acquire 100% of Republic First Bank, Philadelphia. | Withdrawn |

Branch Applications

De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---|---|---------------|
| 3-17-2010 | Somerset Trust Company Somerset Somerset County | 1739 Lyter Drive Johnstown Cambria County | Filed |

Articles of Amendment

| <i>Date</i> | <i>Name and Location of Institution</i> | <i>Action</i> |
|-------------|--|------------------------------|
| 3-18-2010 | First CornerStone Bank King of Prussia Montgomery County Amendment to the Fifth Article of the institution's Articles of Incorporation increases the aggregate number of shares of common stock which the institution is authorized to issue from 10,000,000 to 20,000,000. | Approved and Effective |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---|---|---------------|
| 3-1-2010 | TruMark Financial Credit Union Trevose Bucks County | 12377 Academy Road Philadelphia Philadelphia County | Opened |

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-644. Filed for public inspection April 9, 2010, 9:00 a.m.]

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending March 30, 2010.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS**Holding Company Acquisitions**

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|---|---------------|
| 3-26-2010 | Drexel Morgan & Co. Holdings Radnor Delaware County Application for approval to acquire 100% of The Haverford Trust Company, Radnor. | Approved |

Branch Applications**Branch Discontinuances**

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 3-25-2010 | Northwest Savings Bank Warren Warren County | 5850 Meridian Road Gibsonia Allegheny County | Filed |

Articles of Amendment

| <i>Date</i> | <i>Name and Location of Institution</i> | <i>Action</i> |
|-------------|--|------------------------------|
| 3-24-2010 | Susquehanna Bank Lititz Lancaster County Amendment to the Fifth Article of the institution's Articles of Incorporation authorizes the issuance of common stock and preferred stock. | Approved and Effective |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-645. Filed for public inspection April 9, 2010, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****APPLICATIONS**

**THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT
APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION
SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM)
PERMITS**

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a

general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i> |
|-----------------|-------------------------|--|
| Section I | NPDES | Renewals |
| Section II | NPDES | New or amendment |
| Section III | WQM | Industrial, sewage or animal waste; discharge into groundwater |
| Section IV | NPDES | MS4 individual permit |
| Section V | NPDES | MS4 permit waiver |
| Section VI | NPDES | Individual permit stormwater construction |
| Section VII | NPDES | NOI for coverage under NPDES general permits |

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years, subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 individual permits and individual stormwater construction permits in Sections IV and VI, the Department, based upon preliminary reviews, has made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on an NPDES application are invited to submit a statement to the regional office noted before an application within 30 days from the date of this public notice. Persons wishing to comment on a WQM permit application are invited to submit a statement to the regional office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|--|--------------------------------------|----------------------------|
| PA0063321 (Sewage) | Ararat Township Ararat Township WWTP R. R. 1 Thompson, PA 18465 | Susquehanna County Herrick Township | Fiddle Lake Creek 5-A CWF | Y |

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|--------------------------------------|---|-----------------------------|
| PA0087653 (Sew) | Glenn Specht 15 Pinewaters Lane Oley, PA 19547 | Berks County Oley Township | Pine Creek 3D | Y |
| PA0080080 (Sew) | Conewago Valley Mobile Home Park, Inc. 800 York Road Dover, PA 17315-1605 | York County Conewago Township | Conewago Creek 7F | Y |
| Pa0082881 (IW) | Alcoa, Inc. Alcoa Corporate Center 201 Isabella Street Pittsburgh, PA 15212-5858 | Lancaster County Lancaster City | UNT to Little Conestoga Creek 7-J | Y |

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|--|--|---|-----------------------------|
| PA0112941 (IW) | Jersey Shore Steel Company P. O. Box 5055 Jersey Shore, PA 17740 | Clinton County Pine Creek Township | West Branch Susquehanna River SWP 10A | Y |
| PA0113956 (Sewage) | Numidia WWTP 32 Country Acres Lane Catawissa, PA 17820-8632 | Columbia County Locust Township | Unnamed Tributary of Roaring Creek 5-E | Y |
| PA0112127 (Sewage) | Fish and Boat Commission Tylersville State Fish Hatchery 1735 Shiloh Road State College, PA 16801-8495 | Logan Township Clinton County | Fishing Creek 9C | Y |
| PA0028282 (SP) | The Outlet WWTP Mackeys Run WWTP Forest Inn WWTP P. O. Box 393 Eagles Mere, PA 17731-0393 | Sullivan County Eagles Mere Borough | Unnamed Tributary to The Outlet Unnamed Tributary to Mackeys Run Unnamed Tributary to Double Run 10B and 10D | Y |

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

PA0027201, Industrial Waste, SIC Code 4911, **PPL Holtwood, LLC**, Two North Ninth Street, Allentown, PA 18101-1179. Facility Name: PPL Wallenpaupack Hydroelectric Station. This existing facility is located in Palmyra Township, **Pike County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit containing revised and new effluent limits for an existing discharge of water from a hydroelectric power generation facility.

The receiving stream, the Lackawaxen River, is located in State Water Plan watershed 01B and is classified for High Quality-Trout Stocked Fishes, Migratory Fishes (HQ-TSF, MF), aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 026 (generator cooling water) are based on a design flow of 0.65 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------|----------------------------|--------------------------|----------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| Flow (MGD) | Report | | | | | |

The proposed effluent limits for Outfall 027 (turbine discharge) are based on a design flow of 315 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|---------------------------|----------------------------|--------------------------|-------------------------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| Flow (MGD) | | | | | | |
| Apr 1—Oct 31 | Report | Report | | | | |
| pH (S.U.) | | | | | | |
| (Outfall 027) | | | | | | |
| Apr 1—Oct 31 | | | 6.0 | | | 9.0 |
| (powerhouse/penstock tap) | | | | | | |
| Apr 1—Oct 31 | | | 6.0 | | | 9.0 |
| Dissolved Oxygen | | | | | | |
| Apr 1—Oct 31 | | | 5.0 | 6.0 Daily Average | | |
| | | | Instanta- neous Minimum | | | |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------|----------------------------|--------------------------|----------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| Temperature (° F) | | | | | | |
| Apr 1—Oct 31 | | | | | Report | |
| Total Aluminum | | | | | | |
| Apr 1—Oct 31 | | | | Report | | |
| Total Iron | | | | | | |
| Apr 1—Oct 31 | | | | Report | | |
| Total Manganese | | | | | | |
| Apr 1—Oct 31 | | | | Report | | |

The proposed effluent limits for Outfall 028 (electrical room sump pumps) are based on a design flow of 2.16 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------|----------------------------|--------------------------|----------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| Flow (MGD) | Report | | | | | |

The proposed effluent limits for Outfall 029 (boiler room sump pump) are based on a design flow of 1.44 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------|----------------------------|--------------------------|----------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| Flow (MGD) | Report | | | | | |

Outfalls 021—023 are authorized to discharge stormwater only.

In addition, the permit contains the following special conditions:

1. In-stream benthos monitoring.
2. Requirements for pH sampling.
3. Requirements applicable to stormwater outfalls.

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is in effect.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0088510, Sewage, SIC Code 4952, **Tulpehocken Township Berks County**, P. O. Box 272, Rehrersburg, PA 19550-0272. Facility Name: Tulpehocken Township Mt. Aetna STP. This existing facility is located in Tulpehocken Township, **Berks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary of Little Swatara Creek, is located in State Water Plan watershed 7-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.055 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|------------------------|----------------------------|--------------------------|----------------|-----------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| CBOD ₅ | 12.0 | 18.0 Weekly Average | XXX | 25 | 40 | 50 |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | 14.0 | 21.0 Weekly Average | XXX | 30 | 45 | 60 |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|--|----------------------------|--------------------------|----------------|-----------------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| Fecal Coliform (CFU/100 ml) May 1—Sep 30 | XXX | XXX | XXX | 200 Geometric Mean 2,000 | XXX | XXX |
| Oct 1—Apr 30 | XXX | XXX | XXX | Geometric Mean Report | XXX | XXX |
| Total Nitrogen Ammonia-Nitrogen May 1—Oct 31 | Report | XXX | XXX | 3.5 | XXX | 7.3 |
| Nov 1—Apr 30 | 1.6 | XXX | XXX | 10.5 | XXX | 21.0 |
| Total Phosphorus | 4.8 | XXX | XXX | 2.0 | XXX | 4.0 |

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is in effect.

PA0038130, Sewage, SIC Code 4952, **Mont Alto Borough Franklin County**, P. O. Box 427, Mont Alto, PA 17237-0427. Facility Name: Mont Alto STP. This existing facility is located in Quincy Township, **Franklin County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to West Branch Antietam Creek, is located in State Water Plan watershed 13-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.3 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|--|----------------------------|--------------------------|----------------|-----------------------------------|--------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| Flow (MGD) | Report | Report Daily Maximum | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | |
| Total Residual Chlorine (Interim) | XXX | XXX | XXX | 0.5 | | 1.6 |
| CBOD ₅ | 63 | 100 | XXX | 25 | 40 | 50 |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids | 75 | 113 | XXX | 30 | 45 | 60 |
| Fecal Coliform (CFU/100 ml) May 1—Sep 30 | XXX | XXX | XXX | 200 Geometric Mean 2,000 | XXX | XXX |
| Oct 1—Apr 30 | XXX | XXX | XXX | Geometric Mean | XXX | XXX |
| Ammonia-Nitrogen May 1—Oct 31 | 16.3 | XXX | XXX | 6.5 | XXX | 13 |
| Ammonia-Nitrogen (minutes) Nov 1—Apr 30 | 48.9 | XXX | XXX | 19.5 | XXX | 39 |
| Total Phosphorus (Interim) | Report | XXX | XXX | Report | XXX | |
| Total Phosphorus (Final) | 5.0 | XXX | XXX | 2.0 | XXX | 4.0 |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | |
|----------------------|----------------------|---------------|----------------|-----------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | <i>Minimum</i> | <i>Monthly Average</i> | <i>Maximum</i> |
| Ammonia-N | Report | Report | XXX | Report | XXX |
| Kjeldahl-N | Report | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------|----------------------|---------------|-----------------------------|------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | <i>Minimum</i> | <i>Monthly Average</i> | <i>Maximum</i> |
| Total Nitrogen | Report | Report | XXX | Report | XXX |
| Total Phosphorus | Report | Report | XXX | Report | XXX |

You may make an appointment to review the Department of Environmental Protection's files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA waiver is in effect.

PA0083585, Sewage, SIC Code 4952, **Todd Township**, 2998 East Dutch Corner Road, McConnellsburg, PA 17233. Facility Name: Knobsville STP. This existing facility is located in Todd Township, **Fulton County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Licking Creek, is located in State Water Plan watershed 13-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed interim effluent limits for Outfall 001 are based on a design flow of 0.0202 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------------|------------------------|-----------------------|----------------|-----------------------------|-----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instantaneous Maximum</i> |
| Flow (MGD) | Report | Report Daily Maximum | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine (Interim) | XXX | XXX | XXX | 1 | XXX | 2 |
| CBOD ₅ | 4.2 | 6.7 | XXX | 25 | 40 | 50 |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids | 5 | 7.6 | XXX | 30 | 45 | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1—Sep 30 | XXX | XXX | XXX | 200 Geometric Mean | XXX | XXX |
| Oct 1—Apr 30 | XXX | XXX | XXX | 2,000 Geometric Mean | XXX | XXX |

The proposed final effluent limits for Outfall 001 are based on a design flow of 0.0202 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------------|------------------------|-----------------------|----------------|-----------------------------|-----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instantaneous Maximum</i> |
| Flow (MGD) | Report | Report Daily Maximum | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine (Interim) | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| CBOD ₅ | 4.2 | 6.7 | XXX | 25 | 40 | 50 |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids | 5 | 7.6 | XXX | 30 | 45 | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1—Sep 30 | XXX | XXX | XXX | 200 Geometric Mean | XXX | XXX |
| Oct 1—Apr 30 | XXX | XXX | XXX | 2,000 Geometric Mean | XXX | XXX |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|----------------------|----------------------|---------------|-----------------------------|------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | <i>Minimum</i> | <i>Monthly Average</i> | <i>Maximum</i> |
| Ammonia-N | Report | Report | XXX | Report | XXX |
| Kjeldahl-N | Report | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX |
| Total Nitrogen | Report | Report | XXX | Report | XXX |
| Total Phosphorus | Report | Report | XXX | Report | XXX |

You may make an appointment to review Department of Environmental Protection's files on this case by calling the file review Coordinator at 717-705-4732.

The EPA waiver is in effect.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PA0102296, Sewage, **Guru Kirpa, Inc., Exit 3 State Line Travel Center**, 6143 U.S. Route 6N, West Springfield, PA 16443-1503. This proposed facility is located in Springfield Township, **Erie County**.

Description of Proposed Activity: This is a new NPDES Permit to replace an expired NPDES permit for the discharge of treated wastewater from the Exit 3 State Line Travel Center, truck stop/restaurant.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, Fluoride, Phenolics, Sulfate and Chloride, the existing/proposed downstream potable water supply considered during the evaluation is the Erie municipal water intake located 23 miles below the point of discharge.

The receiving stream, an unnamed tributary to Raccoon Creek, is in watershed 15 (Lake Erie) and classified for: CWF, MF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0115 MGD.

| <i>Parameter</i> | <i>Concentrations</i> | | |
|-------------------------|-------------------------------|--|-------------------------------------|
| | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| CBOD ₅ | 25 | | 50 |
| Total Suspended Solids | 30 | | 60 |
| NH ₃ -N | | | |
| (05/01—10/31) | 2.0 | | 4.0 |
| (11/01—04/30) | 6.0 | | 12 |
| Phosphorus as "P" | 1.0 | | |
| Dissolved Oxygen | | minimum of 3.0 mg/l at all times | |
| Total Residual Chlorine | 0.5 | | 0.75 |
| Fecal Coliform | | | |
| (05/01—09/30) | | 200/100 ml as a Geometric Average | |
| (10/01—04/30) | | 2,000/100 ml as a Geometric Average | |
| pH | | 6.0 to 9.0 Standard Units at all times | |

The EPA waiver is in effect.

PA0263672, Sewage, **Jacquelyn D. and Ty A. Sornberger**, 7321 West Lake Road, Fairview, PA 16415. This facility is located in Fairview Township, **Erie County**.

Description of Proposed Activity: This applications is for a new NPDES permit to discharge treated sewage from a proposed STP to serve the Avonia Tavern in Fairview Township, **Erie County**. The proposed construction replaces a malfunctioning onlot system.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, there is no downstream potable water supply affected by this discharge.

The receiving stream, dry stream tributary to Trout Run, is in watershed 15 and classified for: CWF, MF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001350 MGD.

| <i>Parameter</i> | <i>Concentrations</i> | | |
|------------------------|-------------------------------|------------------------------|-------------------------------------|
| | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Flow | Monitor and Report | | |
| CBOD ₅ | 10 | | 20 |
| Total Suspended Solids | 10 | | 20 |

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Concentrations</i> | |
|-------------------------|-----------------------------------|---|---|
| | | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| NH ₃ -N | | | |
| (05/01—10/31) | 3 | | 6 |
| (11/01—04/30) | 9 | | 18 |
| Phosphorus as "P" | 1.0 | | |
| Total Residual Chlorine | 0.5 | | 1.2 |
| Fecal Coliform | | 200/100 ml as a Geometric Average 6.0 to 9.0 Standard Units at all times | |
| pH | | | |

The EPA waiver is in effect.

PA0104442, Amendment No. 1, Sewage, **Breakneck Creek Regional Authority**, P. O. Box 1180, Mars, PA 16046-1180. This proposed facility is located in Adams Township, **Butler County**.

Description of Proposed Activity: discharge of treated sewage.

The receiving water is Breakneck Creek. The receiving stream is in State Water Plan 20-C and is classified for the following uses: warm water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 3.0 MGD.

Based on follow-up whole effluent toxicity (WET) testing results the permit is being amended to remove the WET limitation and the complimentary special condition.

The EPA waiver is not in effect.

PA0221449, Sewage, **Buffalo Township Municipal Authority**, 707 South Pike Road, Sarver, PA 16055. This existing facility is located in Buffalo Township, **Butler County**.

Description of Proposed Activity: Renewal of an existing NPDES permit to discharge treated sewage.

The receiving stream, the Buffalo Creek, is in watershed 18-F and classified for: Trout Stocked Fishes, Migratory Fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.41 MGD.

| <i>Parameters</i> | <i>Loadings</i> | | <i>Concentrations</i> | | |
|------------------------|-------------------------------------|------------------------------------|--|----------------------------------|---|
| | <i>Average Monthly (lb/day)</i> | <i>Average Weekly (lb/day)</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Flow (MGD) | | | XX | | |
| CBOD ₅ | 85 | 135 | 25 | 40 | 50 |
| Total Suspended Solids | 105 | 155 | 30 | 45 | 60 |
| NH ₃ -N | | | | | |
| (05/01—10/31) | 29 | | 8.5 | | 17 |
| Fecal Coliform | | | 200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average 6.0 to 9.0 Standard Units at all times | | |
| (05/01—09/30) | | | | | |
| (10/01—04/30) | | | | | |
| pH | | | | | |

XX—Monitor and Report on DMRs. Measured ie v-notch weir estimate.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.89 MGD.

| <i>Parameters</i> | <i>Loadings</i> | | <i>Concentrations</i> | | |
|------------------------|-------------------------------------|------------------------------------|--|----------------------------------|---|
| | <i>Average Monthly (lb/day)</i> | <i>Average Weekly (lb/day)</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Flow (MGD) | | | XX | | |
| CBOD ₅ | 185 | 295 | 25 | 40 | 50 |
| Total Suspended Solids | 225 | 335 | 30 | 45 | 60 |
| NH ₃ -N | | | | | |
| (05/01—10/31) | 63.1 | | 8.5 | | 17 |
| Fecal Coliform | | | 200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average 6.0 to 9.0 Standard Units at all times | | |
| (05/01—09/30) | | | | | |
| (10/01—04/30) | | | | | |
| pH | | | | | |

XX—Monitor and report on monthly DMRs.

The permit includes an expansion schedule.

The EPA waiver is in effect.

PA0029726, Sewage, **Jamestown Municipal Authority**, 406 Jackson Street, P. O. Box 188, Jamestown, PA 16134. This existing facility is located in Jamestown Borough, **Mercer County**.

Description of Proposed Activity: An new NPDES permit for an existing discharge of treated sewage.

The receiving stream, the Shenango River, is in watershed 20-A and classified for: Warm Water Fishes, Migratory Fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.26 MGD.

| Parameters | Loadings | | Concentrations | | |
|-------------------------|-----------------------------|--|---------------------------|--------------------------|---------------------------------|
| | Average Monthly (lb/day) | Average Weekly (lb/day) | Average Monthly (mg/l) | Average Weekly (mg/l) | Instantaneous Maximum (mg/l) |
| Flow (MGD) | XX | XX | | | |
| CBOD ₅ | 33.3 | 50 | 25 | 40 | 50 |
| Total Suspended Solids | 25.5 | 56 | 30 | 45 | 60 |
| NH ₃ -N | | | | | |
| (05/01—10/31) | 39 | | 18 | | 36 |
| (11/01—04/30) | 49.9 | | 23 | | 46 |
| Phosphorus as "P" | 2.2 | | 1 | | 2 |
| Fecal Coliform | | | | | |
| (05/01—09/30) | | 200/100 ml as a Geometric Average | | | |
| (10/01—04/30) | | 2,000/100 ml as a Geometric Average | | | |
| Total Residual Chlorine | | | 0.5 | | 1.6 |
| pH | | 6.0 to 9.0 Standard Units at all times | | | |

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

WQM Permit No. 4010403, Sewerage, **Lower Lackawanna Valley Sanitary Authority**, P. O. Box 2067, 398 Coxton Road, Duryea, PA 18642. This proposed facility is located in Duryea Borough, **Luzerne County**.

Description of Proposed Action/Activity: The project involves headworks improvements at the Lower Lackawanna Valley Sanitary Authority's (LLVSA) existing sewage treatment facility consisting of the installation of two screw pumps, two self-cleaning bar screens and two aerated grit removal units.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 0510401, Sewerage, **Hyndman Borough Municipal Authority**, 155 Clarence Street, Hyndman, PA 15545. This proposed facility is located in Hyndman Borough, **Bedford County**.

Description of Proposed Action/Activity: Application seeking approval for various upgrades at the wastewater treatment plant.

WQM Permit No. 0610401, Sewerage, **Township of Spring**, 2850 Windmill Road, Reading, PA 19608. This proposed facility is located in Spring Township, **Berks County**.

Description of Proposed Action/Activity: Application seeking approval for various upgrades at the wastewater treatment plant.

WQM Permit No. 0610201, Industrial Waste, **Reading Area Water Authority**, 815 Washington Street, Reading, PA 19601-3697. This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Seeking approval for the construction of improvements to the facilities at the existing Sludge Handling Facility (SHF) at the Maiden Creek Filter Plant. The improved facility will be designed to handle an average residuals forward flow of 560 gpm and a peak hour flow of 3,000 gpm and to remove manganese down to the permitted level of 1.0 mg/L.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 0310201, Industrial Waste, **RRI Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. This proposed facility is located in Plumcreek Township, **Armstrong County**.

Description of Proposed Action/Activity: Application for the construction and operation of a treatment plant.

WQM Permit No. 6310402, Sewerage, **Donald Wise**, 290 Sanitarium Road, Washington, PA 15301. This proposed facility is located in Amwell Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single residence sewage treatment facility.

WQM Permit No. 0210401, Sewerage, **Findlay Township Municipal Authority**, 1271 Route 30, P. O. Box 409, Clinton, PA 15026.

Description of Proposed Action/Activity: Application for the construction and operation of a sewer extension and collection system.

WQM Permit No. 6510405, Sewerage, **Fern Mountain Development, LLC**, P. O. Box 234, Stahlstown, PA 15687. This proposed facility is located in Donegal Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Lehigh County Conservation District: Lehigh Agriculture Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|-------------------------|-----------------------------------|
| PAI023903042R | Pulte Homes of PA, LP Attn: Salvatore Carlo 1100 Northbrook Drive Suite 200 Trevose, PA 19053 | Lehigh | Lower Macungie Township | Little Lehigh Creek HQ-CWF, MF |

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, 570-629-3060.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|-----------------------|--------------------------------|
| PAI024510002 | Pennsylvania CVS Pharmacy, LLC Summit Realty Advisors, LLC 8 Devonshire Court Blue Bell, PA 19422 | Monroe | Chestnuthill Township | Pohopoco Creek EV, MF |
| PAI024505025(2) | Mount Airy No. 1, LLC 44 Woodland Road Mount Pocono, PA 18344 | Monroe | Paradise Township | Forest Hills Run HQ-CWF, MF |

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Cambria County Conservation District, 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931 (814-472-2120).

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|--------------------------|--|
| PAI051110001 | Glendale Valley Municipal Authority 1800 Beaver Valley Road Flinton, PA 16640 | Cambria | White and Read Townships | Sandy Run HQ-CWF Clearfield Creek WWF Tributaries CWF |

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Elk County Conservation District, Robert Dippold, Elk Courthouse Annex, 300 Center Street, P. O. Box 448, Ridgway, PA 15853, telephone 814-776-5373.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI064210001 | Robert Yoder Joelcole Development Corp. 5960 Susquehanna Trail Turberville, PA 17772 | Elk | City of St. Mary's | Elk Creek CWF |

VII. List of NOIs for NPDES and/or Other General Permit Types

| | |
|--------|---|
| PAG-12 | Concentrated Animal Feeding Operations (CAFOs) |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |

STATE CONSERVATION COMMISSION

**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based.

The address for the SCC is Agriculture Building, Room 407, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS

| <i>Agricultural Operation Name and Address</i> | <i>County</i> | <i>Total Acres</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>Special Protection Waters (HQ or EV or NA)</i> | <i>Renewal/New</i> |
|---|----------------|------------------------|--|------------------------|---|--------------------|
| Ken Gebhart—Blue Berry Hill Farms 2950 Centennial Road Hanover, PA 17331 | Adams | 592.8 | 520.81 | Swine | NA | Renewal |
| Robert Hess Hess Land Farms 686 Rock Point Road Mount Joy, PA 17552 | Lancaster | 289.1 | 634 | Hogs/Beef | NA | Renewal |
| Jodie Brubaker 1681 Hossler Road Manheim, PA 17545 | Lancaster | 82.8 | 451.23 | Broilers | NA | New |
| Robert L. Brubaker, Sr. 1601 Old Line Road Manheim, PA 17545 | Lancaster | 104.6 | 306.25 | Broilers | NA | New |
| Middle Creek Swine Farm 1925 West Route 897 Denver, PA 17517 | Lancaster | 50.7 | 728.8 | Hogs | HQ | Renewal |
| Hibred Swine Farm 415 Forest Road Denver, PA 17517 | Lancaster | 7.8 | 571.9 | Hogs | NA | Renewal |
| Dr. Joe Jurielewicz and Son LTD. 1016 Plum Creek Road Sunbury, PA 17801 | Northumberland | 60.2 | 80.1 | Poultry | N/A | Renewal |
| Willard Hackman 1035 Dean Hill Road Wellsboro, PA 16901 | Tioga | 300 | 518.16 | Swine/Dairy | CWF | Renewal |

PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and are available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 2210502, Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Pennsylvania-American Water |
| Municipality | South Hanover Township |
| County | Dauphin |
| Responsible Official | David R. Kauffman 800 West Hersheypark Drive Hershey, PA 17033 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Mark E. Bottin, P. E. Hazen & Sawyer Suite 1001 Philadelphia, PA 19108 |
| Application Received: | 2/5/2010 |

| | |
|-----------------------|--|
| Description of Action | Installation of an aqua ammonia storage and feed system for finished water chloramination at the Hershey WTP. In addition the installation of a raw water feed point as a future secondary method of disinfection byproduct control. |
|-----------------------|--|

Permit No. 2210503, Public Water Supply.

| | |
|----------------------|---|
| Applicant | Pennsylvania-American Water |
| Municipality | South Hanover Township |
| County | Dauphin |
| Responsible Official | David R. Kauffman 800 West Hersheypark Drive Hershey, PA 17033 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Mark E. Bottin, P. E. Hazen & Sawyer Suite 1001 Philadelphia, PA 19108 |

| | |
|-----------------------|----------|
| Application Received: | 2/5/2010 |
|-----------------------|----------|

| | |
|-----------------------|--|
| Description of Action | Installation of upgrades/improvements at the existing Hershey WTP. These are to include the addition of a raw water pump, clarifier, supplemental raw water pH adjustment facility, finished water pump emergency chlorine gas scrubber and a generator. Replacement of a bulk storage tank and the filter media will also occur. PA American is also requesting an increase in the filtration rate to 4 gpm/sf. |
|-----------------------|--|

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 0210501, Public Water Supply.

| | |
|---------------------------|---|
| Applicant | Municipal Authority of the Borough of Edgeworth 313 Beaver Road Sewickley, PA 15143 |
| Township or Borough | Leetsdale, Edgeworth, Bell Acres and Ambridge Boroughs Leet Township |
| Responsible Official | Anthony Lisanti Chairperson Municipal Authority of the Borough of Edgeworth 313 Beaver Road Sewickley, PA 15143 |
| Type of Facility | Water treatment plant |
| Consulting Engineer | Bankson Engineers, Inc. 267 Blue Run Road P. O. Box 200 Indianola, PA 15051 |
| Application Received Date | February 23, 2010 |

Description of Action Construction of the new HealthSouth water storage tank and replacement of the sodium hypochlorite feed system.

Permit No. 0210505, Public Water Supply.

Applicant **Municipal Authority of the Borough of Edgeworth**
313 Beaver Road
Sewickley, PA 15143

Township or Borough Leetsdale, Edgeworth, Bell Acres and Ambridge Boroughs
Leet Township

Responsible Official Anthony Lisanti
Chairperson
Municipal Authority of the Borough of Edgeworth
313 Beaver Road
Sewickley, PA 15143

Type of Facility Water treatment plant

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
P. O. Box 200
Indianola, PA 15051

Application Received Date February 23, 2010

Description of Action Installation of waterline along Route 65.

Permit No. 0210506, Public Water Supply.

Applicant **Municipal Authority of the Borough of Edgeworth**
313 Beaver Road
Sewickley, PA 15143

Township or Borough Leetsdale, Edgeworth, Bell Acres and Ambridge Boroughs
Leet Township

Responsible Official Anthony Lisanti
Chairperson
Municipal Authority of the Borough of Edgeworth
313 Beaver Road
Sewickley, PA 15143

Type of Facility Water treatment plant

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
P. O. Box 200
Indianola, PA 15051

Application Received Date February 23, 2010

Description of Action Updates to the Authority's SCADA system.

Permit No. 0210507, Public Water Supply.

Applicant **Municipal Authority of the Borough of Edgeworth**
313 Beaver Road
Sewickley, PA 15143

Township or Borough Leetsdale, Edgeworth, Bell Acres and Ambridge Boroughs
Leet Township

Responsible Official Anthony Lisanti
Chairperson
Municipal Authority of the Borough of Edgeworth
313 Beaver Road
Sewickley, PA 15143

Type of Facility Water treatment plant

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
P. O. Box 200
Indianola, PA 15051

Application Received Date February 23, 2010

Description of Action Improvements to the Singer pressure district.

Permit No. 0210508, Public Water Supply.

Applicant **Municipal Authority of the Borough of Edgeworth**
313 Beaver Road
Sewickley, PA 15143

Township or Borough Leetsdale, Edgeworth, Bell Acres and Ambridge Boroughs
Leet Township

Responsible Official Anthony Lisanti
Chairperson
Municipal Authority of the Borough of Edgeworth
313 Beaver Road
Sewickley, PA 15143

Type of Facility Water treatment plant

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
P. O. Box 200
Indianola, PA 15051

Application Received Date February 23, 2010

Description of Action Installation of waterline to the Leetsdale Industrial Park and bypass piping at the Authority's Ambridge Pump Station.

MINOR AMENDMENT

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Application No. 4510502MA.

Applicant **Pennsylvania American Water**

Township or Borough Stroud Township
Monroe County

Responsible Official David Kaufman
VP Engineering
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Community Water System

Consulting Engineer Daniel G. Rickard, P. E.
Pennsylvania American Water
100 North Pennsylvania Avenue
Wilkes-Barre, PA 18701
570-830-6531

Application Received Date March 19, 2010

Description of Action Application for construction of a 3-ft. diameter by 90-ft. long contact pipe downstream from the chlorine injection point at Blue Mountain Lake, Well No. 1.

Application No. 4810502MA.

Applicant **Walnutport Authority**

Township or Borough Lehigh Township
Northampton County

Responsible Official Ronald Kuntz
Chairperson
Walnutport Authority
417 Lincoln Avenue
Walnutport, PA 18088

Type of Facility Community Water System

Consulting Engineer Larry S. Turoscy, P. E.
Lehigh Engineering Associates,
Inc.
499 Riverview Drive
P. O. Box 68
Walnutport, PA 18088
610-767-8545

Application Received Date March 16, 2010

Description of Action Application for construction of a 200,000 gallon finished water storage tank to serve the Hills at Greenock subdivision, along with supplemental residential booster pumps in homes with less than 30 psi.

Application No. 4510503MA.

Applicant **Pennsylvania American Water**

Township or Borough Stroud Township
Monroe County

Responsible Official David Kaufman
VP Engineering
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Community Water System

Consulting Engineer Daniel G. Rickard, P. E.
Pennsylvania American Water
100 North Pennsylvania Avenue
Wilkes-Barre, PA 18701
570-830-6531

Application Received Date March 19, 2010

Description of Action Application for construction of a chlorine contact pipe to replace an existing contact tank at Blue Mountain Lake, Well No. 2.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Application No. 5609507GWR, Minor Amendment.

Applicant **Central City Water Authority**
314 Central Avenue
Suite 203
Central City, PA 15926

Township or Borough Central City Borough
Shade Township

Responsible Official Randy Kiser
Water System Operator
Central City Water Authority
314 Central Avenue
Suite 203
Central City, PA 15926

Type of Facility Water treatment system

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Application Received Date December 1, 2009

Description of Action Groundwater rule 4-log treatment demonstration.

Application No. 5610503MA, Minor Amendment.

Applicant **Gray Area Water Authority**
P. O. Box 118
Gray, PA 15544

Township or Borough Jenner Township

Responsible Official Jeff Marker
Chairperson
Gray Area Water Authority
P. O. Box 118
Gray, PA 15544

Type of Facility Water treatment system

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Application Received Date March 25, 2010

Description of Action Construction of an emergency interconnection between Gray Area Water Authority and Lincoln Township Municipal Authority.

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Application No. 2597501-T1-MA1, Minor Amendment.

Applicant **JLT Rentals Inc./Warner MHP**

Township or Borough Wayne Township
Erie County

Responsible Official James D. Thomas, Owner

Type of Facility Public Water System

Application Received Date 03/29/2010

Description of Action System improvements to include replacement of filters for sediment removal.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the

Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a Site-Specific Standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office before which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Standard Steel Burnham Machine Shop #1, Burnham Borough and Derry Township, **Mifflin County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Standard Steel, LLC, 500 North Walnut Street, Burnham, PA 17009 submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated with petroleum hydrocarbons and PAHs. The site will remain industrial and will be remediated to a combination of Statewide Health and Site-Specific Standards.

Standard Steel Burnham Solvent Groundwater Plume, Burnham Borough and Derry Township, **Mifflin**

County. CD Tower and Associates, Inc., P. O. Box 307, Export, PA 15632, on behalf of Standard Steel, LLC, 500 North Walnut Street, Burnham, PA 17009, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, chromium and petroleum hydrocarbons from an old residual waste landfill. The site will remain industrial and will be remediated to a combination of Statewide Health and Site-Specific Standards.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

General Permit No. WMGR096NE003. Phase III Environmental (Former New Jersey Zinc Company West Plant), 405 Watson Park Boulevard, Lehigh, PA 18235-9168. A General Permit Determination of Applicability (DOA) application submitted under General Permit #WMGR096NE003 for the beneficial use of approximately 10 million tons of regulated fill as construction material on 120 acres of land at the Former New Jersey Zinc Company, West Plant site located in Palmerton Township, **Carbon County**. The Determination of Applicability application was received in the Regional Office on January 19, 2010, and was deemed administratively complete on January 27, 2010.

Persons or municipalities interested in submitting comments to the Department of Environmental Protection (Department) regarding this application should do so within 60 days by contacting William Tomayko, Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in

this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (act) and regulations adopted under the act.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

15-0067G: Herr Foods, Inc. (273 Old Baltimore Pike, Nottingham, PA 19362-0300) for installation of a Mist Collection Control System at their facility in West Nottingham Township, **Chester County**. Herr Foods, Inc. is a Synthetic Minor facility, operating under SMOP 15-00067. The new mist collection control system will be added downstream of the current mist eliminator on Chip Fryer No. 3 to reduce the Particulate Matter Emissions. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: M. Gorog and B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

32-00393B: Prime Metals & Alloys, Inc. (101 Innovation Drive, P. O. Box 194, Lucernemines, PA 15754) for installation which includes two electric induction furnaces, an Argon Oxygen Decarburization vessel and other metallurgical activities at the Lucernemines Plant in Center Township, **Indiana County**.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

46-0020G: Superior Tube Co., Inc. (3900 Germantown Pike, Collegeville, PA 19426) for replacement of existing pickling and passivation operation with new pickling and passivation operation controlled by a mist eliminator in Lower Providence Township, **Montgomery County**. This modification will increase the potential to emit Nitrogen Oxides (NO_x) by 10.90 tons per year. This facility is a Title V Facility. The Plan approval will contain recordkeeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

36-05136C: Granger Energy of Honeybrook, LLC (481 South Churchtown Road, Narvon, PA 17555) to construct a landfill gas-fired engine at their Granger landfill gas treatment plant at their Lanchester Landfill in Caernarvon Township, **Lancaster County**. The proposed engine will have the potential to emit 75.5 tpy of CO, 21.5 tpy of NO_x, 0.87 tpy of SO₂, 2.66 tpy of PM₁₀ and 19.0 tpy of VOCs. The plan approval will include restrictions, testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.

08-00030A: Angelina Gathering Co. (2350 North Sam Houston Parkway East, Houston, TX 77009) has submitted an application (08-00030A) to the Department of Environmental Protection for plan approval to construct four natural gas-fired compressor engines each equipped with oxidation catalysts and the construction of two natural gas glycol dehydration units each equipped with reboiler fireboxes at the Greenzweig Compressor Station located in Herrick Township, **Bradford County**. The respective facility is a minor facility.

The Department of Environmental Protection's (Department) review of the information submitted by Angelina Gathering Company indicates that the construction of the compressor engines equipped with oxidation catalysts and glycol dehydration units equipped with reboiler fireboxes will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants. Based on these findings, the Department intends to approve the application and issue plan approval for the construction of the compressor engines equipped with oxidation catalysts and glycol dehydration units equipped with reboiler fireboxes. Additionally, if the Department determines that the compressor engines equipped with oxidation catalysts and glycol dehydration units equipped with reboiler fireboxes are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be

incorporated into a natural minor operating permit by means of an operating permit application under 25 Pa. Code § 127.402.

The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the four 1,775 brake horsepower, natural gas-fired reciprocating internal combustion engines incorporated in Source ID P101 shall incorporate a "clean burn" electronic control system to control NO_x emissions. Additionally, the carbon monoxide, volatile organic compounds and formaldehyde emissions from each engine incorporated in Source ID P101 shall be controlled by a GT Exhaust Systems Model #201VO-6-300-7124 oxidation catalyst units (ID C101). The permittee shall not operate any of the engines incorporated in Source ID P101 without the simultaneous operation of each respective oxidation catalyst incorporated in ID C101 at any time.

2. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use pipeline quality natural gas as fuel for each engine incorporated in Source ID P101.

3. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of each oxidation catalyst incorporated in ID C101 associated with each engine incorporated in Source ID P101 in excess of the limitations listed as follows:

a. nitrogen oxides (NO_x, expressed as NO₂)—0.50 gm/bhp-hr, 1.95 lb/hr and 8.56 tons in any 12 consecutive month period.

b. carbon monoxide (CO)—0.15 gm/bhp-hr, 0.58 lb/hr and 2.56 tons in any 12 consecutive month period.

c. volatile organic compounds (VOC)—0.30 gm/bhp-hr, 1.17 lb/hr and 5.14 tons in any 12 consecutive month period.

d. particulate matter (PM/PM₁₀)—0.03 gm/bhp-hr, 0.14 lb/hr and 0.60 ton in any 12 consecutive month period.

e. formaldehyde—0.024 gm/bhp-hr, 0.09 lb/hr and 0.41 ton in any 12 consecutive month period.

f. sulfur oxides (SO_x, expressed as SO₂)—0.002 gm/bhp-hr, 0.008 lb/hr and 0.04 ton in any 12 consecutive month period.

g. total combined HAPs—0.005 gm/bhp-hr, 0.02 lb/hr and 0.09 ton in any 12 consecutive month period.

4. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, each oxidation catalyst incorporated in ID C101 shall be capable of reducing the carbon monoxide by 94% from each engine incorporated in Source ID P101.

5. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall equip each oxidation catalyst incorporated in ID C101 with instrumentation to monitor pressure drop across each oxidation catalyst incorporated in ID C101 and the inlet gas temperature of each oxidation catalyst incorporated in ID C101 and shall monitor these parameters on a continuous basis.

6. The permittee shall comply with all applicable requirements of Subpart ZZZZ of the National Emission

Standards for Hazardous Air Pollutants for Source ID P101 as specified in 40 CFR 63.6580—63.6675.

7. The permittee shall comply with all applicable requirements of Subpart JJJJ of the Standards of Performance for New Stationary Sources for Source ID P101 as specified in 40 CFR 60.4230—60.4248.

8. The permittee shall perform nitrogen oxide (NO_x, expressed as NO₂), carbon monoxide, volatile organic compound and formaldehyde stack tests upon each engine incorporated in Source ID P101 within 120 days from the commencement of operation of each engine incorporated in Source ID P101 to verify compliance with the emission limitations for NO_x, carbon monoxide, volatile organic compound and formaldehyde and the carbon monoxide destruction efficiency requirement from each oxidation catalyst incorporated in ID C101 associated with each engine incorporated in Source ID P101

a. The performance test shall consist of three (3) separate test runs and each run shall last at least in 1 hour in duration.

b. The testing of the inlet and outlet of each oxidation catalyst incorporated in ID C101 shall be running simultaneously.

c. The inlet gas temperature and pressure drop of each oxidation catalyst incorporated in ID C101 shall be recorded on a continuous basis during the test. The requirement for the temperature range and pressure drop will be established based upon the recorded data and stack test report.

d. All testing is to be done using reference method test procedures acceptable to the Department and all testing is to be performed while each engine incorporated in Source ID P101 is operating at +/- 10% of full load.

9. At least 60 days prior to the performance of any stack testing required by this permit, the permittee shall submit two (2) copies of a pretest protocol to the Department for review. This protocol shall contain a description of the proposed test methods and procedures and shall include dimensioned drawings or sketches showing the sampling port locations. This protocol shall also identify all air contaminant source and air cleaning device operating parameters to be monitored and recorded during the testing. The Department shall be given at least 14 days advance notice of the actual date(s) and time(s) on which testing will occur so that Department personnel can arrange to be present during testing. The Department is under no obligation to accept the results of any testing performed without proper prior notification having been given. Within 60 days of the completion of any stack testing required by this permit, the permittee shall submit two (2) copies of a test report to the Department. This report shall contain the results of the testing, a description of the test methods and procedures actually used for the performance of the testing, copies of all raw data, copies of all process data and control device operating data collected during the testing and a copy of all calculations generated during data analysis.

10. The permittee shall keep records of the following information:

a. The supporting calculations on a monthly basis used to verify compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, particulate matter, formaldehyde, sulfur oxides and total combined HAPs emission limitations for each engine incorporated in Source ID P101 in any 12 consecutive month period.

b. The test reports and supporting calculations used to verify compliance with the nitrogen oxide, carbon monoxide, volatile organic compound, and formaldehyde emission limitations and carbon monoxide destruction efficiency from each oxidation catalyst incorporated in ID C101 associated with each engine incorporated in Source ID P101.

c. The pressure drop across each oxidation catalyst incorporated in ID C101 and the inlet gas temperature of each oxidation catalyst incorporated in ID C101 on a continuous basis via a data acquisition system.

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

11. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the volatile organic compounds (VOCs) from each flash tank associated with each glycol dehydration unit (Source ID P102) shall be controlled by the reboiler firebox (ID C102) associated with each glycol regenerator. The permittee shall not operate Source ID P102 without the simultaneous operation of ID C102.

12. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use pipeline quality natural gas as fuel for ID C102.

13. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of each reboiler firebox incorporated in ID C102 associated with Source ID P102 in excess of the limitations listed as follows:

a. volatile organic compounds (VOC)—0.138 ton in any 12 consecutive month period and

b. there shall not be any benzene emissions.

14. Under the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the following air contaminant emissions from the exhaust of each glycol regenerator incorporated in Source ID P102 in excess of the limitations listed as follows:

a. volatile organic compounds (VOC)—0.196 ton in any 12 consecutive month period and

b. there shall not be any benzene emissions.

15. The permittee shall keep comprehensive and accurate records of the following for Source ID P102:

a. The hours of operation of Source ID P102 on a monthly basis,

b. The supporting calculations, including accurate up-to-date Gly-Calc reports and sample analyses of the gas being processed by Source ID P102, on a monthly basis used to verify compliance with the volatile organic compound and benzene emission limitation in any 12 consecutive month period for ID C102 associated with Source ID P102.

c. The supporting calculations used to verify compliance with the volatile organic compound emission limitation for the reboiler firebox (ID C102) and the glycol regenerator.

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Depart-

ment's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

03-00246: Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215) for construction of a coal blending operation at Keystone East Mine site (previously owned by Rosebud Mining Company) in Plumcreek Township, **Armstrong County**.

In accordance with 25 Pa. Code §§ 127.44—127.46 the Department of Environmental Protection intends to issue Air Quality Plan Approval PA-03-00246A to authorize the Sources at this facility will consist of crushers, screens, conveyors, storage piles and other miscellaneous equipment associated with this type of operations. Facility shall be limited to a total throughput of 500,000 tons per 12 month rolling total. Annual emissions from the facility are estimated to be 13.24 tons of total particulate matter and 3.96 tons of PM-10. This installation is subject to State and Federal regulations, including 40 CFR 60, Subpart Y—Standards of Performance for Coal Preparation and Processing Plants. Plan Approval has been conditioned to ensure compliance with all applicable rules.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174.

65-00720: Kennametal Inc.—Irwin Facility (1576 Arona Road, Irwin, PA 15642-4565) for operation of manufacturing Industrial Mold, Special Dies, Tools, Jigs, and Fixture at their Irwin Plant facility, Hempfield Township, **Westmoreland County**. This is a Title V Renewal.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

39-00091: Service Tire Truck Center, Inc. (2255 Avenue A, Bethlehem, PA 18017-2108) for operation of a tire retreading facility in the City of Bethlehem, **Lehigh County**. This is a new State-only Operating Permit.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.

19-00014: Hanson Aggregates (PA), Inc. (7660 Imperial Way, Suite 103, Allentown, PA 18195-1040), for their

Bloomsburg quarry in Hemlock Township, **Columbia County**. The facility's main sources include three crushers and associated various material sizing and conveying equipment. These sources have the potential to emit particulate matter (PM₁₀) below the major emission thresholds. The proposed Operating Permit contains applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174.

63-00154: MCC International, Inc. (110 Centrifugal Lane, Cecil, PA 15321-0456) for operation of Miller Centrifugal Casting Company in Cecil Township, **Washington County**. This is a State-only Operating Permit Renewal.

65-00927: Hoover Stone Quarry, LLC (3497 Route 981, Saltsburg, PA 15681) for operation of their stone processing plant in Loyallhanna Township, **Westmoreland County**. This is a State-only Operating Permit Renewal.

04-00043: Centria (500 Perth Drive, Ambridge, PA 15003) for operation of fabricated structural metal manufacturing at their Centria Coil Coating Services facility in Ambridge Borough, **Beaver County**. This is a State-only Operating Permit Renewal.

03-00204: Equitable Gas Company, LLC (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) for operation of Atwood Booster Station in Atwood Borough, **Armstrong County**. This is a State-only Operating Permit renewal.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.

27-00033: National Forest Products, LTD (29 South Forest Street, Marienville, PA 16239) for issuance of a Synthetic Minor Operating Permit to operate a manufacturing facility that produces complete kitchens, countertops and other components for manufacturers in the cabinet industry. This operation is located in Jenks Township, **Forest County**. The facility's primary emission sources include two (2) paint booths and a stain application area.

43-00273: Select Industries, Inc. (242 Reynolds Industrial Park Road, Greenville, PA 16125) for issuance of a Natural Minor Operating Permit to perform metal coating operations, in Pymatuning Township, **Mercer County**. The facility's primary emission sources include coating and lithographic printing lines. The VOC and HAP emissions from this facility are below major source levels.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Edward Brawn, Chief—Telephone: 215-685-9476.

S10-004: Convent of the Sisters of St. Joseph and Chestnut Hill College (9601 Germantown Avenue, Philadelphia, PA 19118) for the operation of a healthcare center in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one (1) 300 Horsepower (hp) boilers, two (2) 600 hp boiler, one (1) 676,500 Hot Water Heater, four (4) Emergency Generators less than 400 kW firing No.2 oil.

The operating permit will be issued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air

Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

N10-005: Household Metals, Inc. (645 East Erie Avenue, Philadelphia, PA 19134) for the operation of a steel door manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include six spray booths, one 1 million Btu/hr natural gas fired washer, one 0.5 million Btu/hr natural gas fired oven, one 64 cubic ft/hr Ace Burnoff Oven with afterburner, one 250,00 Btu/hr Vulcan catalytic oven, one 500 Btu/hr Chicago Advanced curing oven all firing natural gas.

The operating permit will be reissued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

S10-010: RichardsApex, Inc. (4202-24 Main Street, Philadelphia, PA 19127) for the operation of a metals lubricants production facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 8.375 mmBtu/hr boilers firing natural gas or No. 5 oil.

The operating permit will be issued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

S10-006: St. Agnes Continuing Care Center (1930 South Broad Street, Philadelphia, PA 19145) for the operation of a healthcare center in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 20.95 mmBtu/hr boilers firing natural gas or No. 2 oil, one (1) 400 kW Emergency Generator and one (1) 250 kW emergency generator, and two (2) 200 kW Emergency Generators all firing No. 2 oil.

The operating permit will be issued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of suffi-

cient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES

permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

| <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|--|---------------------------|---------------------------------|----------------------------------|
| Iron (Total) | 1.5 to 3.0 mg/l | 3.0 to 6.0 mg/l | 3.5 to 7.0 mg/l |
| Manganese (Total) | 1.0 to 2.0 mg/l | 2.0 to 4.0 mg/l | 2.5 to 5.0 mg/l |
| Suspended solids | 10 to 35 mg/l | 20 to 70 mg/l | 25 to 90 mg/l |
| Aluminum (Total) | 0.75 to 2.0 mg/l | 1.5 to 4.0 mg/l | 2.0 to 5.0 mg/l |
| pH ¹ | | greater than 6.0; less than 9.0 | |
| Alkalinity greater than acidity ¹ | | | |

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

03061301 and NPDES Permit # PA0235687, TJS Mining, Inc., (2340 Smith Road, Shelocta, PA 15774), to revise the permit for the TJS No. 6 Deep Mine in Plumcreek Township, **Armstrong County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 236.8, Subsidence Control Plan Acres Proposed 236.8. No additional discharges. Application received: January 19, 2010.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

56000103 and NPDES No. PA0235245. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 111.4 acres. Receiving stream(s): unnamed tributary to Oven Run to Stony Creek River classified for the following use(s): cold water fishery/warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 15, 2010.

11100101 and NPDES No. PA0262986. Rampside Collieries, Inc., 527 Slate Hill Road, Berlin, PA 15530 commencement, operation and restoration of a bituminous surface mine in Richland Township, **Cambria County**, affecting 14.0 acres. Receiving stream(s): unnamed tributary to/and Solomon Run classified for the following use(s): warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 15, 2010.

56743138 and NPDES No. PA0606511. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Ogle and Adams Townships, **Somerset and Cambria Counties**, affecting 739.5 acres. Receiving stream(s):

Paint Creek; unnamed tributaries to/and Babcock Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 16, 2010.

11813040 and NPDES No. PA0125423. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Adams Township, **Cambria County**, affecting 750.0 acres. Receiving stream(s): unnamed tributaries to/and South Fork Little Conemaugh River; unnamed tributaries to/and Sulfur Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority. Application received: March 16, 2010.

11813039 and NPDES No. PA0125474. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Adams Township, **Cambria County**, affecting 1,353.0 acres. Receiving stream(s): unnamed tributaries to/and Paint Creek; unnamed tributaries to/and Sulphur Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 16, 2010.

11803038 and NPDES No. PA0121533. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Adams and Ogle Townships, **Cambria and Somerset Counties**, affecting 1589.8 acres. Receiving stream(s): unnamed tributaries to/and Babcock Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 16, 2010.

11100102 and NPDES No. PA0262994. Mears Energy, LLC, P. O. Box 165, Armagh, PA 15920, commencement, operation and restoration of a bituminous surface mine in Elder Township, **Cambria County**, affecting 63.0 acres. Receiving stream(s): unnamed tributaries to Brubaker Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received March 16, 2010.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

02090201 and NPDES Permit No. PA0251909. Coal Valley Sales, LLC (111 Freeport Road, Pittsburgh, PA 15215). Application for commencement, operation and reclamation of a bituminous coal refuse reprocessing surface mine, located in West Deer and Indiana Townships, **Allegheny County**, affecting 267 acres. Receiving stream: unnamed tributary to Little Deer Creek, classified for the following use: TSF. The potable water supply intake within 10 miles downstream from the point of discharge: Oakmont Water Authority. Application received: March 11, 2010.

03030102. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal application for reclamation only of an existing bituminous surface mine, located in Boggs Township, **Armstrong County**, affecting 151.8 acres. Receiving streams: North Fork of Pine Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 15, 2010.

65030102 and NPDES Permit No. PA0251465. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal application for reclamation only of an existing bituminous surface mine, located in Ligonier Township, **Westmoreland County**, affecting 71.4 acres. Receiving streams: Four Mile Run and an unnamed tributary to Loyalhanna Creek, classified for the following use: TSF. The potable water supply intake within 10 miles downstream from the point of discharge: Latrobe Municipal Authority. Renewal application received: March 16, 2010.

03040102 and NPDES Permit No. PA0250601. Thomas J. Smith, Inc. (2340 Smith Road, Shelocta, PA 15774). Renewal application for reclamation only of a bituminous surface mine, located in Boggs Township, **Armstrong County**, affecting 87.5 acres. Receiving streams: unnamed tributaries to North Fork of Pine Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 23, 2010.

03090201 and NPDES Permit No. PA0251798. Coal Valley Sales, LLC (111 Freeport Road, Pittsburgh, PA 15215). Application for commencement, operation and reclamation of a bituminous surface mine, located in North Buffalo and Cadogan Townships, **Armstrong County**, affecting 72.6 acres. Receiving streams: unnamed tributary to Allegheny River, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: March 22, 2010.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

17100104 and NPDES No. PA0257320. Hepburnia Coal Co. (P. O. Box I, Grampian, PA 16838). Commencement, operation and restoration of a bituminous surface mine located in Chest Township, **Clearfield County** affecting 100.0 acres. Receiving streams: unnamed tributaries to Chest Creek and Chest Creek classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 23, 2010.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

40763204R5. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, Northampton, PA 18067), renewal of an existing anthracite coal refuse reprocessing operation in Newport Township, **Luzerne County**, affecting 61.0 acres, receiving stream: none. Application received: March 19, 2010.

54100101 and NPDES Permit No. PA0224812. Gale Mining Company, (1441 Oak Road, Pottsville, PA 17901), commencement, operation and restoration of an anthracite surface mine operation in Schuylkill Township, **Schuylkill County** affecting 204.5 acres, receiving stream: Schuylkill River and/or unnamed tributaries to Schuylkill River, classified for the following uses: cold water fishery and migratory fishes. Application received: March 23, 2010.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

E51-239. Joseph Syrnick, City of Philadelphia-Fairmont Park, 2929 Arch Street, 13th Floor, Philadelphia, PA 19102, Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To construct and maintain the proposed pedestrian bridge over CSX Railroad tracks linking Schuylkill River Park and the existing Schuylkill River Trail. The bridge will be 10 feet wide, and the west side ramp piers, abutment, and embankment will be located in 100 year Floodplain of the Schuylkill River (WWF, MF).

The site is located along Schuylkill River near 25th and Spruce Streets (Philadelphia, PA USGS Quadrangle N: 5.25 inches; W: 3.35 inches) in the City of Philadelphia, Philadelphia County.

E15-800. Brandywine Valley Association, 1760 Unionville Wawaset Road, West Chester, PA 19382, Thornbury Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities along/across Ridley Run (WWF, MF):

- 1) To stabilize and maintain approximately 1,500 linear feet of streambank.
- 2) To remove an old on-stream dam, and associated accumulated sediment.
- 3) To relocate and maintain approximately 55 feet of channel at River STA 3+55 to STA 4+10, and 88 feet of channel at STA 17+65 to STA 18+53 to enhance the channel stability and stream restoration objectives.

- 4) To construct and maintain a temporary stream crossing impacting approximately 1.7 acres of wetlands.

The site is located approximately 1,436 feet south of the intersection of Lead Line and Street Roads (SR 0926) in Thornbury Township, Chester County (West Chester, PA USGS Quadrangle N: 6.91 inches; W: 11.38 inches).

E46-1049. Borough of Bridgeport, 4th and Mill Streets, Bridgeport, PA 19405, Bridgeport Borough, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with Bridgeport Front Street Relief Interceptor Relocation project within the floodway of the Schuylkill River (WWF, MF):

- 5) To install and maintain approximately 9,123 LF of pipeline consisting of 1,777 LF of 24" PVC, 2,731 LF of 24" DIP, 2,205 LF of 54" DIP, 365 LF of 60" DIP and 2,045 LF of 64" DIP.

- 6) To construct and maintain two outfall structures discharging into the Schuylkill River and the Bridgeport canal.

- 7) To modify and maintain the headwall of an existing outfall structure to facilitate the excavation work.

- 8) To construct and maintain a culvert across an unnamed tributary to the Schuylkill River at approximately Station 25 + 00.

The project commences at the intersection of Front and 2nd Streets. It runs toward the east and ends where 4th Street (SR 0023) intersects Jefferson Street in Bridgeport Borough, Montgomery County (Norristown, PA USGS Quadrangle N: 19.12 inches; W: 11.57 inches).

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.

E40-706. CAN DO, Inc., One South Church Street, Hazleton, PA 18201, in Hazle Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To place 2.39 acres of fill within 29 separate PEM, PFO and PSS wetland areas; and to construct and maintain a 78-LF, 54" by 108" R.C. box culvert stream crossing of Nescopeck Creek (CWF, MF) for the purpose of development associated with the Humboldt Industrial Park Northwest. The project is located on Lots 1—4 along the north side of SR 924 within the Humboldt Industrial Park, approximately 3 miles west of the intersection of SR 924 and I-81 (Conyngham, PA Quadrangle Latitude: 40° 56' 3.12"; Longitude: -76° 4' 0.12").

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Telephone: 717-705-4707.

E05-354: Hyndman Borough Municipal Authority, 155 Clarence Street, Hyndman, PA 15545-0445, Hyndman Wastewater Treatment Plant Upgrades, Hyndman Borough, **Bedford County**, ACOE Baltimore District.

To perform improvements to an existing wastewater treatment plant, which consist of construction and maintenance of the following:

- (1) two SBR tanks approximately 39 feet diameter having a height of 20.0 feet; (2) two existing digester tanks modified to approximately 40 feet by 20 feet and having a height of 14.0 feet, with the tanks almost entirely below the proposed grade; (3) a UV unit approximately 22 feet by 3 feet having a height of 13.0 feet; and (4) a wet well pump station approximately 10 feet by 10 feet and having a height of 3.5 feet above the proposed grade. For the proposed project activities, approximately 300 cubic yards of fill will be placed within the 100-year floodplain. The wastewater treatment plant is located along the northwesterly bank of Wills Creek (CWF, MF) (Hyndman, PA Quadrangle N: 11.28 inches; W: 12.89 inches, Latitude: 39° 48' 43.7"; Longitude: 78° 43' 0.4") in Hyndman Borough, Bedford County.

E21-417: Turnpike Commission, Attn: Gary L. Graham, P. O. Box 67676, Harrisburg, PA 17106-7676, Blue Mountain Interchange, Hopewell Township, **Cumberland County**, ACOE Baltimore District.

To: (1) extend and maintain an existing 42.0-inch diameter RCP culvert by 29.0 feet on the downstream side in an unnamed tributary to Newburg Run (WWF, MF) (Latitude: 40° 9' 40"; Longitude: -77° 36' 33"); (2) extend and maintain an existing 18.0-inch diameter RCP culvert by 20.0 feet on the upstream side and 30.0 feet on the downstream side in an unnamed tributary to Newburg Run (WWF, MF) (Latitude: 40° 9' 49"; Longitude: -77° 36' 19"); (3) extend and maintain an existing reinforced concrete open bottom arch culvert by 44.0 feet on the upstream side and 32.0 feet on the downstream side in an unnamed tributary to Newburg Run (WWF, MF) (Latitude: 40° 9' 49"; Longitude: -77° 36' 14"); and (4) fill and maintain approximately 0.03 acre of PEM wetland in the Newburg Run watershed. The project is located between mileposts 200.4 and 202.3 on Interstate 76 (from Newburg, PA Quadrangle N: 6.32 inches; W: 15.58 inches, Latitude: 40° 9' 35"; Longitude: -77° 36' 42" to Newburg, PA Quadrangle N: 7.03 inches; W: 14.54, Latitude: 40° 9' 35"; Longitude: 77° 36' 42") in Hopewell Township, Cumberland County. The purpose of the project is to improve existing interchange geometry, widen the roadway, improve safety conditions, and to upgrade culverts and stormwater management facilities.

E29-098: Fulton County Conservation District, 216 North Second Street, McConnellsburg, PA 17233-4423, Spring Run Stream Restoration, Ayr Township, **Fulton County**, ACOE Baltimore District.

To restore and maintain approximately 3,900 linear feet of Spring Run (CWF) through the installation of: (1) eight (8) log vane deflectors; (2) eight 8 cross rock vanes; (3) nineteen (19) J-hook vanes; (4) three 3 lunger structures; (5) 142.0 linear feet of rocktoe protection; (6) one (1) cattle crossing; and (7) 546.0 linear feet of stream relocation for the purpose of stabilizing degraded stream banks and improving aquatic habitat. The stream restoration begins at a point approximately 4,000 feet downstream of Union Church Road (Big Cove Tannery, PA Quadrangle N: 21.44 inches; W: 2.93 inches, Latitude: 39° 52' 5.10"; Longitude: 78° 1' 15.28") and ends at Spring Run Drive (Big Cove Tannery, PA Quadrangle N: 20.55 inches; W: 3.96 inches, Latitude: 39° 51' 47.43"; Longitude: 78° 1' 41.70") The applicant also proposes to: (1) install and maintain a 6.0-inch PVC intake structure from a small pond; (2) install and maintain a 6.0-inch PVC outfall structure to an unnamed tributary to Spring Run (CWF); and (3) the removal of the existing structure and the construction and maintenance of a 25.0-foot long, 1.0-foot depressed, 10.5-foot by 6.75-foot corrugated metal arch culvert in Spring Run (CWF) at the downstream end of the restoration project. To compensate for wetland impacts the applicant shall provide a minimum of 0.15 acre of replacement wetlands onsite. The project is located in Ayr Township, Fulton County.

E01-293: Conewago Enterprises, Inc., 660 Edgemoor Road, P.O. Box 407, Hanover, PA 17331, Conewago Township, **Adams County**, ACOE Baltimore District.

The applicant proposes to place and maintain fill in 0.809 acre of PEM wetlands for the purpose of expanding an existing commercial facility. The project is located at the intersection of Oxford Avenue and Black Lane, just northeast of the town of Edgemoor (McSherrystown, PA Quadrangle N: 13.5 inches; W: 7.5 inches, Latitude: 39° 49' 28.16"; Longitude: 77° 02' 25.12"), in Conewago Township, Adams County. To compensate for wetland impacts, the permittee shall provide a minimum of 0.809 acres of replacement wetlands onsite.

E67-880: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103, Carroll Township, **York County**, ACOE Baltimore District.

To: (1) remove the existing culvert structure and construct and maintain 90.0 feet of dual 38-inch by 60-inch elliptical culvert with rock aprons depressed 12.0 inches into the streambed of an unnamed tributary to Dogwood Run (CWF, MF); (2) place and maintain fill within the floodway and floodplain along 905.0 feet of Dogwood Run; and (3) construct and maintain 50.0 feet of bank stabilization along an unnamed tributary to Dogwood Run, all for the purpose of improving transportation safety and roadway standards. The project is located on SR 0074, at the intersection of Spring Lane (T-874) (Mechanicsburg, PA Quadrangle N: 1.5 inches; W: 5.6 inches, Latitude: 40° 08' 00"; Longitude: -77° 02' 24") in Carroll Township, York County.

E07-432: Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648, Williamsburg Township, **Blair County**, ACOE Baltimore District.

To: (1) remove the existing bridge structure and construct and maintain a 37.7-foot wide, two span bridge

having a normal span of 172.8 feet and an underclearance of 17.8 feet across Frankstown Branch Juniata River (TSF); (2) construct and maintain bank stabilization using R-5 rock for a distance of 310.0 feet along the left bank and 205.0 feet along the right bank of the Frankstown Branch Juniata River (TSF) on the downstream side of the bridge; and (3) place and maintain fill in 0.16 acre of exceptional value PEM wetlands, all for the purpose of improving transportation safety and roadway standards. The project is located on SR 2015, approximately 320 feet north of its intersection with SR 0866 (Williamsburg, PA Quadrangle N: 0.7 inch; W: 9.4 inches, Latitude: 40° 27' 47"; Longitude: -78° 12' 00") in Catherine Township and Williamsburg Borough, Blair County. The permittee has met the wetland replacement criteria by debiting 0.32 acre of PEM wetlands from the Huntingdon Advance Wetland Compensation Site located in Smithfield Township, Huntingdon County.

E44-143: Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830, Burnham Borough, **Mifflin County**, ACOE Baltimore District.

To remove the existing bridge structure and construct and maintain a 63.0-foot wide, single span bridge having a normal span of 46.8 feet and an underclearance of 5.5 feet across Bucks Run (TSF, MF), for the purpose of improving transportation safety and roadway standards. The project is located on SR 1005, approximately 90 feet south of its intersection with SR 4013 (Burnham, PA Quadrangle N: 0.7 inch; W: 9.4 inches, Latitude: 40° 37' 45"; Longitude: -77° 34' 03") in Burnham Borough, Mifflin County.

E07-431: JoAnne and Matthew Gordon, 608 East 25th Avenue, Altoona, PA 16601. Spring Run Retaining wall, City of Altoona, **Blair County**, ACOE Baltimore District.

To construct and maintain an approximately 90-foot long by 8-foot high pre-cast block retaining wall along the left bank of Spring Run (WWF, MF) and adjacent to 608 East 25th Avenue. The project is proposed to restore deteriorated portions of the stream channel to prevent structural damage of the property. The project is located at the intersection of East 25th Avenue and Spring Run (Altoona, PA Quadrangle N: 6.74 inches; W: 3.50 inches, Latitude: 40° 32' 13.63"; Longitude: -78° 24' 0.65") in the City of Altoona, Blair County, PA.

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E53-431. Coudersport Area Municipal Authority, 201 South West Street, Coudersport, PA 16915-1047. Sanitary Sewer Relocation Project, Coudersport Borough, **Potter County**, ACOE Pittsburgh District (Coudersport, PA Quadrangle Latitude: 41° 46' 45.2"; Longitude: 78° 01' 11.3").

The applicant proposes to construct, operate and maintain a 12-inch diameter public sanitary sewer line crossing beneath the Allegheny River (High Quality-Cold Water) to accommodate relocation of the Fourth Street Bridge. Installation of the sanitary sewer shall be accomplished by boring beneath the Allegheny River, which also serves as the Coudersport Borough Flood Control Project. The sanitary sewer line and its 18-inch diameter steel encasement shall be installed at a maximum depth below the flood control channel, so that flood control structure is not comprised. As proposed, the project poses no impact to wetlands or the waterway, which is located approximately 500 feet east of Fourth Street and SR 0049 intersection.

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1630. Department of Transportation, District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017-2834. To extend culvert and construct and maintain stream relocation in Monroeville Borough, **Allegheny County**, Pittsburgh ACOE District (Beginning from Murrysville, PA Quadrangle North: 9.5 inches; West: 4 inches, Latitude: 40° 26' 44"; Longitude: 79° 42' 49"; and Ending North: 12.8 inches; West: 4.9 inches, Latitude: 40° 25' 37"; Longitude: 79° 43' 20"). The applicant proposed to:

1. extend the existing SR 286, 60 ft long, 20 ft arch culvert 20 ft over Piersons Run (TSF) with a drainage area of 2 square miles (Murrysville, PA Quadrangle North 12.8 inches; West 4.9 inches, Latitude: 40° 26' 44"; Longitude: 79° 42' 49").

2. construct and maintain approximately 755 ft of stream relocation in Abers Creek with a drainage area of 7.5 square miles (Murrysville, PA Quadrangle North 10.8 inches; West 4.9 inches, Latitude: 40° 25' 58"; Longitude: 79° 42' 56").

In addition a total of 0.54 acre of permanent PEM/PSS wetland will be filled and maintained, 0.32 acre of temporary PEM/PSS wetland impact; 905 ft of stream impacts on drainage areas less than 100 acres; installa-

tion of road associated stormwater outfalls; and wetland mitigation will be created at the site. This project is associated with SR 286 improvement work with these encroachments extending 1.3 miles north of the SR 286 intersection with SR 22.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E43-352, City of Hermitage, 800 North Hermitage Road, Hermitage, PA 16148. Indian Run Phase III Stream Restoration, in City of Hermitage, **Mercer County**, ACOE Pittsburgh District (Sharon East, PA Quadrangle N: 41° 14' 3.54"; W: 80° 27' 5.04").

The applicant proposes to construct and maintain a 50 ft by 8 ft wooden pedestrian bridge over Indian Run (WWF) parallel to SR 18 and to construct and maintain approximately 1,800 ft of stream restoration within Indian Run for the purposes of streambank stabilization, and establishment of floodplains and riparian buffers. The proposed stream restoration consists of channel relocation and the installation of cross vanes, sawtooth deflectors, rock boulder cascade, boulder wall, and rock armor beginning at a point on SR 18 approximately 300 ft north of the intersection of SR 18 and SR 62 and ending behind Hermitage Schools. Two phases of Indian Run stream restoration have been previously permitted by the Department of Environmental Protection.

ACTIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

The Department of Environmental Protection (Department) has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and Notices of Intent (NOI) for coverage under general permits. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act.

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i> |
|-----------------|-------------------------|--|
| Section I | NPDES | Renewals |
| Section II | NPDES | New or amendment |
| Section III | WQM | Industrial, sewage or animal wastes; discharges to groundwater |
| Section IV | NPDES | MS4 individual permit |
| Section V | NPDES | MS4 permit waiver |
| Section VI | NPDES | Individual permit stormwater construction |
| Section VII | NPDES | NOI for coverage under NPDES general permits |

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities and concentrated animal feeding operations (CAFOs). Section VII contains notices for parties who have submitted NOIs for coverage under general NPDES permits. The approval for coverage under general NPDES permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions set forth in each general permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. Permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of

practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|---------------------------|
| PA0021555 (Sewage) | Weatherly Municipal Authority 10 Wilbur Street Weatherly, PA 18255 | Carbon County Weatherly Borough | Black Creek 2-B | Y |

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Phone: 717-705-4707.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|--------------------------------|--|--|---|-----------------------------|
| PA0085511 (Sew) | West Hanover Township Water & Sewer Authority 7901 Jonestown Road Harrisburg, PA 17112 | Dauphin County West Hanover Township | UNT Manada Creek 7D | Y |
| PA0080799 (Sew) | Newburg-Hopewell Joint Authority P. O. Box 128 Newburg, PA 17240 | Cumberland County Hopewell Township | Newburg Run 7B | Y |
| PA0085197 (Sew) | Kampel Enterprises, Inc. 8930 Carlisle Road Wellsville, PA 17365-9735 | York County Warrington Township | UNT to North Branch Bermudian Creek 7-F | Y |
| PA0083399 (Sew) Transfer | MHC Gettysburg Farm, LP Gettysburg Farm Campground 2 North Riverside Plaza Suite 800 Chicago, IL 60606 | York County Dover Township | Conewago Creek 7-H | Y |

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed#)</i> | <i>EPA Waived Y/N ?</i> |
|--|--|--------------------------------------|---|-----------------------------|
| PA0029068 (Sewage Municipal) | Valley Township Municipal Authority P. O. Box 307 Danville, PA 17821 | Montour County Valley Township | Mausers Creek 5-E | Y |
| PA0233862 (Sewage Non-Municipal) | Beavertown Properties, LLC 14849 Route 522 Middleburg, PA 17845 | Snyder County Beaver Township | UNT to Middle Creek SWP 6A | Y |
| PA0024627 (Municipal Sewage) | McClure Municipal Authority P. O. Box 138 McClure, PA 17841 | Snyder County McClure Borough | South Branch Middle Creek SWP 6A | Y |
| PA0112941 (Industrial) | Pro America/Cameron Division P. O. Box 391 Emporium, PA 15834 | Cameron County Emporium Borough | Driftwood Branch Simmamahoning Creek SWP 8A | Y |

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N</i> |
|----------------------------------|--|--------------------------------------|--------------------------------------|---------------------------|
| PA0204528 Industrial Waste | Vanport Township Municipal Authority 285 River Avenue Vanport, PA 15009 | Vanport Township Beaver County | Ohio River | Y |

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N</i> |
|---|--|--|---|-----------------------------|
| PA0097047 Sewage | Redevelopment Authority of Westmoreland County 2 North Main Street Greensburg, PA 15601 | Westmoreland County Sewickley Township | Drainage Swale to Little Sewickley Creek | Y |
| PA0034185 Sewage | Dean R. Hurlbut 4751 Kendor Drive Lower Burrell, PA 15068-9506 | Westmoreland County Allegheny Township | UNT of the Allegheny River | Y |
| <i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i> | | | | |
| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
| PA0039225 | Blaine E. Rhodes, d/b/a B. E. Rhodes Sewer Company Route 8 P. O. Box 397 Reno, PA 16343-0397 | Sugarcreek Borough Venango County | Allegheny River 16-E | N |

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

NPDES Permit No. PA0056294, Sewage, **Bart Golf Club, Inc., t/a Hickory Valley Golf Course**, 1921 Ludwig Road, Gilbertsville, PA 19525-9438. This proposed facility is located in New Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval to discharge 1,500 gpd of treated sewage to Swamp Creek by means of Irrigation Pond in Watershed 3-E.

NPDES Permit No. PA0056065, Sewage, **ENSERV, Inc.**, 1145 King Road, Immaculata, PA 19345. This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 97,700 gpd of treated sewage to an unnamed tributary (stream code 01012) to Valley Creek in Watershed 3F-Lower Schuylkill.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

NPDES Permit No. PA0088943, CAFO, **James Eisenhour, Jr.**, 721 Spring Valley Road, Wellsville, PA 17365. This proposed facility is located in Washington and Warrington Townships, **York County**.

Description of Proposed Action/Activity: Withdrawal of Permit.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, Phone: 717-705-4707.

WQM Permit No. 6788425, T2, Sewage, **MHC Gettysburg Farm, LP**, 2 North Riverside Plaza, Suite 800, Chicago, IL 60606. This proposed facility is located in Dover Township, **York County**.

Description of Proposed Action/Activity: Transfer of ownership from Outdoor World Resorts, LLC.

WQM Permit No. 3610201, CAFO, **Mr. Scott Kreider**, 761 Spring Valley Road, Quarryville, PA 17566. This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of a reinforced concrete liquid manure storage structure.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 4909405, Sewerage, SIC 4952, **Milton Regional Sewer Authority**, P. O. Box 433, 5585 SR 405, Milton, PA 17847-0433. This existing facility is located in West Chillisquaque Township and Milton Borough, **Northumberland County**.

Description of Proposed Action/Activity: Permit issued approving the modification and upgrade of treatment facilities to increase capacity, add nutrient removal and add "wastewater to energy" components.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. WQG026180, Sewerage, **Luke Leskovic**, 921 Garden City Road, Monroeville, PA 15146. This proposed facility is located in Plum Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment facility.

WQM Permit No. 566S053-A3, Sewerage, **Cresson Borough Municipal Authority**, 61 Second Street, Cresson, PA 16630. This existing facility is located in Cresson Township, **Cambria County**.

Description of Proposed Action/Activity: Permit amendment issuance for modifications to the existing Cresson Sewage Treatment Plant and Pump Station including a flow equalization tank.

The Pennsylvania Infrastructure Investment Authority (PennVest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---|---|
| PAI01 1509034 | Phoenixville Area School District 1120 South Gay Street Phoenixville, PA 19460 | Chester | Phoenixville Borough Schuylkill Township | French Creek TSF-MF Pickering Creek HQ-TSF |

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---|----------------------------------|
| PAI023909019 | Country Meadows Associates Attn: George Leader 830 Cherry Drive Hershey, PA 17033 | Lehigh | Upper Macungie and Lower Macungie Townships | Little Cedar Creek HQ-CWF, MF |

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

| | |
|-------------|--|
| PAG-1 | General Permit for Discharges From Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater Associated With Construction Activities (PAR) |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities |
| PAG-4 | General Permit for Discharges From Small Flow Treatment Facilities |
| PAG-5 | General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO) |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |
| PAG-8 | General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage |
| PAG-9 | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage |
| PAG-10 | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines |
| PAG-11 | (To Be Announced) |
| PAG-12 | Concentrated Animal Feeding Operations (CAFOs) |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |

General Permit Type—PAG-2

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|-------------------------------------|-------------------|---|----------------------------|--|
| Warminster Township Bucks County | PAG200 0909057 | Pennsylvania CVS Pharmacy, LLC 8 Devonshires Court Blue Bell, PA 19422 | Pennypack Creek TSF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |

*Facility Location:
Municipality &
County*

Permit No.

Applicant Name & Address

*Receiving
Water/Use*

*Contact Office &
Phone No.*

| | | | | |
|---|--------------------|---|--|---|
| Warminster Township Bucks County | PAG200 0909020 | Pennsylvania CVS Pharmacy, LLC 8 Devonshires Court Blue Bell, PA 19422 | Little Neshaminy Creek WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| New Britain Township Bucks County | PAG200 0909059 | Southeastern PA Transportation Authority 1234 Market Street Philadelphia, PA 19107 | Delaware River Basin WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| West Whiteland Township Chester County | PAG0200 1510003 | PNC Realty Services 2 PNC Plaza 19th Floor Pittsburgh, PA 19522 | Valley Creek CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Aston Township Chester County | PAG0200 2308023 | J. Grace Company P. O. Box 91 Chadds Ford, PA 19317 | Unnamed Tributary Chester Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Skippack Township Montgomery County | PAG0200 4609088 | LF Holdings, LLC 3325 Bartram Road Willow Grove, PA 19090 | Perkiomen Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Lower Merion Township Montgomery County | PAG200 4609098 | Philadelphia Country Club 1601 Spring Mill Road Gladwyne, PA 19035 | Schuylkill River WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Upper Providence Township Montgomery County | PAG0200 4608063 | Audubon Land Development Corp. 2620 Egypt Road Norristown, PA 19403 | Unnamed Tributary Perkiomen Creek WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Lower Salford Township Montgomery County | PAG200 4604135 | Scott Clemens 620 Quarry Road P. O. Box 137 Harleysville, PA 19428 | West Branch Skippack Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| City of Philadelphia Philadelphia County | PAG0200 511013 | Philadelphia Housing Authority 3100 Penrose Ferry Road Philadelphia, PA 19145 | Cobbs Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Fayette Township Juniata County | PAG2033410001 | Fayette Township P. O. Box 68 McAlisterville, PA 17049 | Lost Creek TSF | Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059 717-436-8953 Ext. 5 |
| Derry Township Mifflin County | PAG2004410003 | Burnham Properties, LP Nicholas J. Moraitis 8035 McKnight Road Suite 303 Pittsburgh, PA 15237 | UNT to Buck Run TSF | Mifflin County Conservation District 20 Windmill Hill #4 Burnham, PA 17009 717-248-4695 |

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|---|---|
| Shippensburg and Southampton Townships Cumberland County | PAG2002110002 | Shippensburg University John Clinton 1871 Old Main Drive Shippensburg, PA 17257 | Middle Spring CWF | Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 717-240-7812 |
| Lurgan Township Franklin County | PAG2002809029 | Gerlad Rollman Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057 | Conodoguinet Creek WWF | Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499 |
| Montgomery Township Franklin County | PAG2002805019-R | Ed Beck 10658 Church Hill Road Mercersburg, PA 17236 | West Branch Conococheague Creek MF-TSF | Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499 |
| Antrim Township Franklin County | PAR10M200-R2 | Dan Ebersole Dan Ryan Builders 60 Thomas Johnson Drive Frederick, MD 21702 | Paddy Run WWF | Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499 |
| Washington Township Franklin County | PAG2002805026-R | Ronnie Martin 1625 C Main Street Waynesboro, PA 17268 | East Branch Antietam Creek CWF | Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499 |
| Hamilton Township Franklin County | PAG2002805001-R | Edwin Martin 4961 Cumberland Highway Chambersburg, PA 17201 | Conococheague Creek WWF | Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499 |
| Guilford Township Franklin County | PAG2002810002 | Nelson Diller 845 Milnor Road Greencastle, PA 17225 | English Valley Run WWF-MF | Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499 |
| Southampton Township Franklin County | PAG2003409034 | William Naugle 870 Remington Drive Shippensburg, PA 17257 | Middle Spring Creek CWF | Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717-264-5499 |
| New Morgan Borough Berks County | PAG2000603093-R | Gene Bonner New Morgan Landfill Company, Inc. 420 Quarry Road Morgantown, PA 19543 | UNT to Conestoga River WWF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533 610-372-4657 Ext. 201 |

*Facility Location:
Municipality &
County**Permit No.**Applicant Name & Address**Receiving
Water/Use**Contact Office &
Phone No.*Reading City
Berks County

PAG2000610006

Alan Shuman
Shuman Development
50 North 5th Street
Reading, PA 19601Schuylkill River
WWF-MFBerks County
Conservation District
1238 County Welfare
Road
Suite 200
Leesport, PA 19533
610-372-4657
Ext. 201Bethel Township
Berks County

PAG2000608069-1

Joseph H. Horning
901 South College Street
Myerstown, PA 17067UNT to Little
Swatra Creek
CWFBerks County
Conservation District
1238 County Welfare
Road
Suite 200
Leesport, PA 19533
610-372-4657
Ext. 201Washington Township
Bally Borough
Berks County

PAG2000608016-1

Michael Bedard
ARCADIS US, Inc.
6 Terry Drive
Suite 300
Newtown, PA 18940UNT to West Branch
Perkiomen-Schuylkill
Watershed
CWFBerks County
Conservation District
1238 County Welfare
Road
Suite 200
Leesport, PA 19533
610-372-4657
Ext. 201Muhlenberg
Township
Berks County

PAG2000610014

Stan Kita
Berks County Intermediate Unit
1111 Commons Boulevard
Sinking Spring, PA 19608Schuylkill River
WWFBerks County
Conservation District
1238 County Welfare
Road
Suite 200
Leesport, PA 19533
610-372-4657
Ext. 201Muhlenberg
Township
Berks County

PAG2000610016

Muhlenberg Township
5401 Leesport Avenue
Temple, PA 19560Laurel Run—UNT to
Schuylkill River
WWF-MFBerks County
Conservation District
1238 County Welfare
Road
Suite 200
Leesport, PA 19533
610-372-4657
Ext. 201East Pennsboro
Township
Cumberland County

PAG2002109021

Bill Brougher
WEB Contracting, Inc.
642 Mountain Street
Enola, PA 17025UNT to
Conodoguinet Creek
WWFCumberland County
Conservation District
310 Allen Road
Suite 301
Carlisle, PA 17013
717-240-7812East St. Clair
Township
Bedford County

PAG2000510001

Jack A. Rokavec
450 Robinson Lane
Bellefonte, PA 16823Dunning Creek
WWFBedford County
Conservation District
702 West Pitt Street
Fairlawn Court
Suite 4
Bedford, PA 15522
814-623-7900East Manchester
Township
York County

PAR10Y349R-3

Robert A. Kinsley
Kinsley Equities III, LP
6259 Reynolds Mill Road
Seven Valleys, PA 17360UNT to Little
Conewago Creek
TSFYork County
Conservation District
118 Pleasant Acres
Road
York, PA 17402-8984
717-840-7430

*Facility Location:
Municipality &
County**Permit No.**Applicant Name & Address**Receiving
Water/Use**Contact Office &
Phone No.*

York City
Spring Garden
Township
York County

PAG2006709065

Dr. Kenneth M. Martin
York College of Pennsylvania
439 Country Club Road
York, PA 17405-7199

Codorus Creek
WWF

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402-8984
717-840-7430

Warrington Township
York County

PAG2006707086

Donald W. Smaples
22 Dartmouth Lane
Haverford, PA 19041-1020

Bermudian Creek
WWF

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402-8984
717-840-7430

Penn Township
York County

PAG2006705026-R

Burkentine & Sons Builders,
Inc.
1500 Baltimore Pike
Hanover, PA 17331

Oil Creek
WWF

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402-8984
717-840-7430

North Towanda
Township
Bradford County

PAG2000810005

Randy B. Williams
Dandy Mini Mart
100 Henry Street
Sayre, PA 18840

Sugar Creek
WWF
UNT to
Susquehanna River
WWF

Bradford County
Conservation District
Stoll Natural
Resource Center
R. R. 5
Box 5030C
Towanda, PA 18848
(570) 265-5539
Ext. 6

Sandy Township
Clearfield County

PAG2001710001

DuBois Continuum of
Community Care, Inc.
200 South 8th Street
P. O. Box 307
DuBois, PA 15801

Reisinger Run
CWF

Clearfield County
Conservation District
650 Leonard Street
Clearfield, PA 16830
(814) 765-2629

Graham Township
Clearfield County

PAG2001710003

Emigh Run
Lakeside Watershed Assoc., Inc.
P. O. Box 204
Morrisdale, PA 16858

Hubler Run
CWF

Clearfield County
Conservation District
650 Leonard Street
Clearfield, PA 16830
(814) 765-2629

Scott Township
Columbia County

PAG2001910001

Robert E. Weiss
3099 Columbia Boulevard
Bloomsburg, PA 17815

UNT to North
Branch
Susquehanna River
CWF, MF

Columbia County
Conservation District
702 Sawmill Road
Suite 204
Bloomsburg, PA
17815
(570) 784-1310
Ext. 102

Center Township
Snyder County

PAG2005509006

John Zechman
Penn View Bible
125 Penn View Drive
Penns Creek, PA 17862

UNT to Dry Run
CWF

Snyder County
Conservation District
403 West Market
Street
Middleburg, PA
17842
(570) 837-0007
Ext. 5

Fayette County
City of Uniontown

PAG2002610005

Robert Smalley
Uniontown Area School District
23 East Church Street
Uniontown, PA 15401

Redstone Creek
WWF

Fayette County
Conservation District
10 Nickman Plaza
Lemont Furnace, PA
15456
724-438-4497

*Facility Location:
Municipality &
County*

Permit No.

Applicant Name & Address

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Greene County
Waynesburg Borough

PAG2006310008

Waynesburg University
Roy Barnhart
51 West College Street
Waynesburg, PA 15370

Southfork Tenmile
Creek
WWF

Greene County
Conservation District
19 South Washington
Street
Waynesburg, PA
15370-2053
724-852-5278

Indiana County
Burrell Township

PAG02003210003

Indiana County Development
Corporation
Courthouse Annex
801 Water Street
Indiana, PA 15701

UNT Blacklick Creet
(CWF)

Indiana County
Conservation District
625 Kolter Drive
Suite 8
Indiana, PA
15701-3571
724-471-4751

Washington County
South Strabane
Township

PAG2006310008

Department of Transportation
Engineering District 12-0
825 North Gallatin Avenue, Ext.
Uniontown, PA 15401

Chartiers Creek
WWF

Washington County
Conservation District
602 Courthouse
Square
Washington, PA
15301
724-228-6774

Butler County
Clay Township

PAG2091010001

Bureau of Abandoned Mine
Reclamation
Cambria Office
286 Industrial Park Road
Ebensburg, PA 15931-4119

Slippery Rock Creek
CWF

Department of
Environmental
Protection
Cambria Office
286 Industrial Park
Road
Ebensburg, PA
15931-4119
814-472-1800

General Permit Type—PAG-3

*Facility Location:
Municipality &
County*

Permit No.

Applicant Name & Address

*Receiving
Water/Use*

*Contact Office &
Phone No.*

Harford Township
Susquehanna County

PAR212240

Masters RMC, Inc.
P. O. Box 25
Kingsley, PA 18826

Martins Creek
CWF

DEP—NERO
2 Public Square
Wilkes-Barre, PA
18711
570-826-2511

Weisenberg Township
Lehigh County

PAR802208

Waste Management of
Pennsylvania, Inc.
2710 Golden Key Road
Kutztown, PA 19530

Mill Creek
TSF

DEP—NERO
2 Public Square
Wilkes-Barre, PA
18711
570-826-2511

Lehigh Township
Northampton County

PAR602228

M & R Motors
4516 West Mountainview Road
Walnutport, PA 18088

Unnamed feeder to
Bertsch Creek
CWF

DEP—NERO
2 Public Square
Wilkes-Barre, PA
18711
570-826-2511

Harmony Township
Susquehanna County

PAR212230

Edward Greene & Sons, Inc.
P. O. Box 275
Susquehanna, PA 18847

South Branch
Canawacta Creek
CWF

DEP—NERO
2 Public Square
Wilkes-Barre, PA
18711
570-826-2511

*Facility Location:
Municipality &
County*

Permit No.

Applicant Name & Address

*Receiving
Water/Use*

*Contact Office &
Phone No.*

| | | | | |
|---|------------------------------|---|---|--|
| Lancaster County Mount Joy Township | PAR503507 Amendment No. 1 | Veolia ES Lancaster, LLC 2487 Cloverleaf Road Elizabethtown, PA 17022 | UNT Little Chiques Creek TSF UNT Shells Run TSF | DEP—SCRO—Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707 |
| Berks County Muhlenberg Township | PAR803583 | United States Postal Service 2100 North 13th Street Reading, PA 19612-9331 | UNT to Schuylkill River WWF | DEP—SCRO—Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707 |
| Lancaster County Manheim Township | PAR803584 | United States Postal Service 1400 Harrisburg Pike Lancaster, PA 17604-9331 | UNT to Little Conestoga Creek WWF | DEP—SCRO—Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707 |
| Dauphin County Susquehanna Township | PAR803582 | United States Postal Service 1425 Crooked Hill Road Harrisburg, PA 17107-9731 | UNT to Paxton Creek WWF | DEP—SCRO—Water Management 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707 |
| Hamilton Township Tioga County | PAR504803 | Northern Tier Solid Waste Authority P. O. Box 10 Burlington, PA 18814 | Unnamed Tributary to Morris Run CWF, MF | Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664 |
| Ligonier Township Westmoreland County | PAR606153 | Malinish's Auto Wreckers, Inc. 110 Elk Lane Ligonier, PA 15658 | Mill Creek | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000 |

General Permit Type—PAG-4

*Facility Location:
Municipality &
County*

Permit No.

Applicant Name & Address

*Receiving
Water/Use*

*Contact Office &
Phone No.*

| | | | | |
|----------------------------------|-----------|--|-------------------------|---|
| Plum Borough Allegheny County | PAG046415 | Luke Leskovic 921 Garden City Road Monroeville, PA 15146 | UNT of Pucketa Creek | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
|----------------------------------|-----------|--|-------------------------|---|

General Permit Type—PAG-12

*Facility Location:
Municipality &
County*

Permit No.

Applicant Name & Address

*Receiving
Water/Use*

*Contact Office &
Phone No.*

| | | | | |
|---------------------------------------|-------------------------|--|----|--|
| Dauphin County Washington Township | PAG123650 (transfer) | Barry Wilcher Barry Wilcher Farm 920 West Matterstown Road Millersburg, PA 17601-9308 | 6C | DEP—SCRO—Watershed Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4802 |
|---------------------------------------|-------------------------|--|----|--|

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 3609512, Public Water Supply.

| | |
|--------------------------------|--|
| Applicant | High Spring Water |
| Municipality | Warwick Township |
| County | Lancaster |
| Responsible Official | John S. High 727 Furnace Hills Pike Lititz, PA 17543 |
| Type of Facility | Additions and renovations to High Spring Water Vending Machines |
| Consulting Engineer | Jeffrey W. Sweater, P. E. ELA Group, Inc. 743 South Broad Street Lititz, PA 17543 |
| Permit to Construct Issued: | 3/18/2010 |

Operations Permit issued to **United Water Pennsylvania**, 7670061, Newberry Township, **York County** on 3/12/2010 for the operation of facilities approved under Construction Permit No. 6707502.

Operations Permit issued to **United Water Pennsylvania**, 7670061, Newberry Township, **York County** on 3/12/2010 for the operation of facilities approved under Construction Permit No. 6707503.

Operations Permit issued to **Urban Outfitters, Inc.**, 7360683, Salisbury Township, **Lancaster County** on 3/22/2010 for the operation of facilities approved under Construction Permit No. 3609516.

Operations Permit issued to **Pennsylvania American Water Company**, 3060126, Ruscombmanor Township, **Berks County** on 3/24/2010 for the operation of facilities approved under Construction Permit No. 0609520 MA.

Operations Permit issued to **Pennsylvania American Water**, 7210029, Fariview Township, **York County** on 3/12/2010 for the operation of facilities approved under Construction Permit No. 6710503 MA.

Operations Permit issued to **Richfield Area Joint Authority**, 4340009, Monroe Township, **Juniata County** on 3/24/2010 for the operation of facilities approved under Construction Permit No. 3410501 MA.

Operations Permit issued to **Borough of Quarryville**, 7360112, Quarryville Borough, **Lancaster County** on 3/25/2010 for the operation of facilities approved under Construction Permit No. 7360112 MA.

Operations Permit issued to **Elizabethville Area Authority**, 7220003, Elizabethville Borough, **Dauphin County** on 3/25/2010 for the operation of facilities approved under Construction Permit No. 2210504 MA.

Operations Permit issued to **Tamarack & Spread Eagle MHP**, 7360109, Providence Township, **Lancaster County** on 3/19/2010 for the operation of facilities approved under Construction Permit No. 3609522 MA.

Northwest Region: Water Supply Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit No. 6109503, Public Water Supply.

| | |
|-------------------------------|--------------------------------|
| Applicant | Aqua Pennsylvania, Inc. |
| Township or Borough | Emlenton Borough |
| County | Venango County |
| Type of Facility | Public Water Supply |
| Consulting Engineer | William A. LaDieu, P. E. |
| Permit to Construct Issued | 03/26/2010 |

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)

Southeast Region: Water Management Program Manager, 2 E. Main Street, Norristown, PA 19401.

Plan Location:

| | | |
|----------------------------|--|---------------|
| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
| Caln Township | 253 Municipal Drive Thorndale, PA 19372 | Chester |

Plan Description: Approval of a revision to the Official Sewage Plan of Caln Township, Chester County. The plan provides for sewer growth areas, existing sewer service areas, and on-lot sewage disposal areas, with a portion of the sewer service area to be served by 2 treatment plants through a flow diversion pump station on Municipal Drive. The 2 treatment plants are the Pennsylvania

American Water Company's (PAWC) Coatesville Wastewater Treatment Facility and the Downingtown Area Regional Authority's (DARA) Wastewater Treatment Facility. Flows to PAWC will be increased to 0.8 million gallons per day (MGD) and flows to DARA will remain at 1.3875 MGD, consistent with the submitted agreements. An on-lot Sewage Management Program will be implemented within 5 years. The approval is a reissuance and revision of the approval previously issued on December 21, 2009.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|---|---------------|
| West Brunswick Township | West Brunswick Township 95 Municipal Road Orwigsburg, PA 17961 | Schuylkill |
| West Brunswick Township | Schuylkill County Municipal Authority 221 South Centre Street Pottsville, PA 17901 | Schuylkill |

Plan Description: The approved Plan's study areas consisted of eight study areas, seven of which are located in West Brunswick Township, Schuylkill County and one located in Deer Lake Borough, Schuylkill County. The approved Plan provides for:

1. Upgrade/expand the existing SCMA's Wastewater Treatment Plant (WWTP) at the Deer Lake site to 1.0 MGD.
2. Upgrade/expand the existing Deer Lake Pump Station and Force Main.
3. Upgrade the Parkway Drive Sewer Line.
4. The expansion of the sewer service area, defined as Short Term Service Areas.
5. Further study of the Village of Frisbee's Sewage Disposal Needs/Methods
6. A Sewage Management Program for those facilities that utilize on-lot sewage disposal systems.
7. The creation of a Well Ordinance.
8. The discontinuance of the 10-acre permit exemption described in 25 Pa. Code Chapter 72, § 22(e).
9. Revisions of the Township's Comprehensive Plan to achieve consistency with the sewage alternatives chosen for the Plan.

The Sewer Service Area Expansion, described as the Short Term Sewer Service Areas and related projects, consists of the following:

Project A

- Upgrade/expand the existing SCMA's Wastewater Treatment Plant (WWTP) at the Deer Lake site to 1.0 MGD.
- Upgrade/expand the existing Deer Lake Pump Station and Force Main.
- Part 1—Pine Creek Trunkline—North Leg-Pheasant Run Road to Dreher'sville Road with the associated service area contributory to the SCMA's WWTP.
- Part 1b—Parkway Drive Sewer Line Upgrade.

Project B

- Part 2—Route 61 Corridor—South Leg-Fessler's into Deer Lake with the associated service area contributory to the SCMA's WWTP.

Lee Development Service Area contributory to the Orwigsburg WWTP.

Country Hill Service Area contributory to the Orwigsburg WWTP.

The designation of a Long-Term Service Area does not obligate West Brunswick Township or the SCMA to provide public sewage facilities in these Areas. A revision of the Official Sewage Facilities Plan is required for an extension of the sewer service area beyond the Short-Term Sewer Service Areas.

The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the SCMA.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|---|---------------|
| East Lampeter Township | 2250 Old Philadelphia Pike Lancaster, PA 17602 | Lancaster |

Plan Description: The approved plan provides for a mixed use community comprising 405 residential units (356 edus) generating 142,450 gpd in sewage flows. The module proposes replacing an existing pump station on the property and upgrading of an existing force main that will tie into the manhole at the intersection of Hornig Road and Veumont Drive. Sewage will then go through the East Lampeter Township sewer authority lines to the Lancaster Area Sewer Authority Pleasure Road pump station, with treatment to occur at the City of Lancaster's Wastewater treatment plant. The proposed development is called "Warrington Subdivision" and will be located on the south side of Route 23 New Holland Road adjacent to the intersection of Hornig Road in East Lampeter Township. The DEP ID number for this plan revision is A3-36929-352-3 and the APS number is 709605. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

Notice of Proposed Settlement Under HSCA/CERCLA

Valley Forge Asbestos Site in Valley Forge National Historical Park, Lower Providence Township, Montgomery County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, 35 P. S. §§ 6020.101—6020.1305 (HSCA), and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9601 *et seq.*, has entered into a proposed Settlement Agreement with the United States regarding the Valley Forge National Historical Park Asbestos Release Site (Site).

The Site is located within the Valley Forge National Historical Park in Valley Forge, Montgomery County, PA.

The Site consists generally of the former location of the Baldwin Ehret Magnesite Company (subsequently owned and operated by the Keene Corporation) and surrounding areas, including a series of quarries which were located on former Commonwealth park lands. As a part of these manufacturing operations, an asbestos containing waste material was used to fill in certain limestone quarries which had been excavated during the 19th century. As a result of these manufacturing operations and disposal activities, asbestos has been released into the environment at the Valley Forge National Historical Park.

Under written agreement, the Department and the United States National Parks Service (NPS) jointly prepared a Remedial Investigation/ Feasibility Study for the Site, and on January 18, 2007, the NPS issued a Record of Decision which selected remedial action at the Site consisting primarily of excavation and off-site disposal of certain asbestos wastes and a soils capping remedy consistent with Federal and Commonwealth asbestos regulations. The NPS is currently developing a Remedial Design for the Site and intends to proceed with Remedial Action once Remedial Design is complete.

The Settlement Agreement implements a cost sharing arrangement between the Commonwealth and the United States wherein the Commonwealth will make certain payments to the United States to fund its share of remedial action. The parties will lodge the Settlement Agreement with the United States District Court for the Eastern District of the Commonwealth for notice and public comment.

This notice is provided under 35 P. S. § 6020.1113. The Settlement Agreement may be examined from 8 a.m. to 4 p.m. at the Department's offices at 2 East Main Street, Norristown, PA 19401 by contacting either John Kennedy at 484-250-5807 or Anderson Lee Hartzell at 484-250-5866. A public comment period on the Settlement Agreement will extend for a period of 60 days from the date of this notice. Interested persons may submit written comments regarding the Settlement Agreement to the Department by submitting them to John Kennedy at the previously listed address.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and re-

ports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Hayes Construction Company/1900 Van Reed Road Site, Spring Township, Berks County. Liberty Environmental, Inc., 50 North Fifth Street, Fifth Floor, Reading, PA 19601, on behalf of Hayes Construction Company, 2610 Westview Drive, Wyomissing, PA 19610, and Will-O-Hill Apartments, LP, 615 Chestnut Street, Suite 120, Philadelphia, PA 19106, submitted a Final Report concerning remediation of site soils impacted by petroleum hydrocarbons from an unregulated underground storage tank. The Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Landisville Railroad/former Amherst Industries PA, East Hempfield Township, Lancaster County. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Landisville Railroad, LLC, 3901 Nolt Road, Landisville, PA 17538, and Amherst Industries, Inc., 3901 Nolt Road, Landisville, PA 17538, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with VOCs, SVOCs and inorganics. The combined report is intended to document remediation of the site to meet a combination of Nonresidential Statewide Health and Site-Specific Standards.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Williamsport Terminal (Former Atlantic Terminal). Armstrong Township, **Lycoming County.** Aquaterra Technologies, Inc., P. O. Box 744, West Chester, PA 19320 on behalf of Sunoco, Inc. (R & M), 1109 Milton Avenue, Syracuse, NY 13204 has submitted combined Remedial Investigation Report/Cleanup Plan concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the sites to meet the Site-Specific Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

McCullough Farm Site, Imperial, Findlay Township, Allegheny County. Civil and Environmental Consult-

ants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Terry Mamone, 434 Route 30, Imperial, PA 15216; Robert McCullough, Hebron Road, Imperial, PA 15126 and Beaver East, Inc., One Oxford Center, Pittsburgh, PA 15219, c/o Three Rivers Management, Inc., has submitted a Final Report concerning the remediation of site soils and groundwater contaminated with volatile organic and semi-volatile organic chemicals for the McCullough Farm Site.

Rosedale Tract KOZ and Lower Ore Yard KOZ, City of Johnstown, **Cambria County.** L. Robert Kimball & Associates, 615 West Highland Avenue, P. O. Box 1000, Ebensburg, PA 15931 on behalf of the Johnstown Redevelopment Authority, 401 Washington Street, 4th Floor, Johnstown, PA has withdrawn a Cleanup Plan concerning the remediation of Site. The Cleanup Plan will be resubmitted once changes to the proposed remedial actions are incorporated.

Former McKees Rocks Exxon Terminal #37-003, McKees Rocks, **Allegheny County.** Groundwater & Environmental Services, Inc., 800 Commonwealth Drive, Suite 201, Warrendale, PA 15086 on behalf of Exxon Mobile Environmental Services Company, 1545 Route 22 East, Annandale, NJ 08801 has submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soils and groundwater contaminated with metals and petroleum hydrocarbons.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with

selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Pawelski Residence, Alsace Township, **Berks County.** Crawford Environmental Services, LLC, 195 Proudfoot Drive, Birdsboro, PA 19508 on behalf of Frank Pawelski, 109 Skyline Drive, Reading, PA 19606, submitted a Final Report concerning remediation of site soils contaminated with No. 2 heating oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on March 24, 2010.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Wolfs Head Prop South Parcel OLD, Borough of Sugarcreek, **Venango County.** URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 910 Louisiana OSP 687, Houston, TX 77002 has submitted a Site Characterization (Remedial Investigation)/Risk Assessment Report concerning the remediation of site soil and site groundwater contaminated with SPL, VOC, SVOC, and inorganic compounds. The Site Characterization (Remedial Investigation)/Risk Assessment Report was disapproved by the Department of Environmental Protection on March 26, 2010.

Stackpole Center Southwest Area, City of St. Marys, **Elk County.** EMSOURCE St. Marys, LLC, 111 Commercial Street, Suite 400, Portland, ME 04101 on behalf of EMSOURCE St. Marys, LLC, 111 Commercial Street, Suite 400, Portland, ME 04101 has submitted a Final Report concerning the remediation of site soil contaminated with acenaphthene, anthracene, antimony, arsenic, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[ghi]perylene, cadmium, chrysene, dibenzo[a,h]anthracene, 1,2-dichloroethane, cis-1,2-dichloroethene, fluoranthene, lead, mercury, naphthalene, phenanthrene, silver, tetrachloroethylene (PCE), toluene, trichloroethylene (TCE), vinyl chloride and groundwater contaminated with cadmium, 1,2-dichloroethane, 1,1-dichloroethylene, cis-1,2-dichloroethylene, 2-methylnaphthalene, naphthalene, nickel, tetrachloroethylene (PCE), toluene, trichloroethylene (TCE), vinyl chloride. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on March 24, 2010.

MUNICIPAL WASTE GENERAL PERMITS

Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Mifflin County Solid Waste Authority. Permit No. 101165, located in Derry Township, **Mifflin County**. The Department of Environmental Protection approves a major permit modification for the elimination of monitoring wells, underdrains, and reduction of the sampling frequency. The conditions of this approval are outlined in the January 11 and 14, 2010 letters from Timothy R. Long P. G. of the Department of Environmental Protection to Ms. Lisa Smith of Mifflin Co. Solid Waste Authority.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

48-321-007GP6: Suburban Cleaners (3202 Freemansburg Avenue, Easton, PA 18045) on March 2, 2010, to construct and operate a dry cleaner at their site in Palmer Township, **Northampton County**.

45-301-032GP14: Pula & Bensing Funeral Home, Inc. (35 Sterling Road, Mt. Pocono, PA 18344) on February 24, 2010, to install and operate a human remains crematory at their site in Mt. Pocono Borough, **Monroe County**.

58-399-010GP5: Chief Gathering, LLC (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) on February 23, 2010, to construct and operate three engines and two dehydrators at the site in Lathrop Township, **Susquehanna County**.

39-302-195GP1: Cedarbrook Nursing Home (350 South Cedarbrook Road, Allentown, PA 18104) on February 24, 2010, to construct and operate two boilers at their site in South Whitehall Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

GP1-21-03095: Schreiber Foods, Inc. (502 North Madison Street, Green Bay, WI 54301) on March 22, 2010, for a Small Gas and #2 Oil Fired Combustion Unit under GP1 in Shippensburg Borough, **Cumberland County**.

GP5-07-03059: Caiman Penn Midstream, LLC (5949 Sherry Lane, Suite 645, Dallas, TX 75225) on March 19, 2010, for a Natural Gas, Coal Bed Methane or

Gob Gas Production or Recovery Facility under GP5 in Juniata Township, **Blair County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.

GP5-08-04B: Chief Gathering, LLC (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) on March 29, 2010, for the construction and operation of three 1340 brake horsepower natural gas-fired compressor engines and a 65 mmscf/day glycol dehydrator with 1.0 mmBtu/hr reboiler under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Bradford Compressor Station in West Burlington Township, **Bradford County**.

GP5-41-01C: Chief Gathering, LLC (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) on March 29, 2010, for the construction and operation of one 75 mmscf/day glycol dehydrator with 1.0 mmBtu/hr reboiler under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Canoe Run Compressor Station in Mifflin Township, **Lycoming County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Contact: Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226.

GP5-26-00572A: Texas Keystone, Inc. (560 Epsilon Drive, Pittsburgh, PA 15238) on March 29, 2010, to install and operate one (1) Natural Gas Compression Facility with one (1) Caterpillar Model G3408C LE, 425-bhp, compressor engine and one (1) NATCO Model 00560125, 1.66 GPM dehydrator at the Ryan Compressor Station, at a site off of Wirsing Road, in Wharton Township, **Fayette County**.

GP14-11-00508: Hindman Funeral Homes and Crematory, Inc. (146 Chandler Avenue, Johnstown, PA 15906) on March 26, 2010, to operate one propane-fired Matthews Cremation Division Model No. IE43-PPII human crematory rated at 150 pounds per hour and one propane-fired Matthews Cremation Division Model No. IE43-PPJ animal crematory rated at 75 pounds per hour at their facility in Lower Yoder Township, **Cambria County**.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920.

46-0026D: Global Packaging, Inc. (209 Brower Avenue, Oaks, PA 19456-0187) on March 26, 2010, to install a new thermal oxidizer to control VOC emissions from four (4) existing printing presses in Upper Providence Township, **Montgomery County**. Under this Plan Approval, no increase in VOC emissions has been proposed. The facility will still remain a synthetic minor. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

39-309-075: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052-1827) on March 15, 2010, to modify their sulfur limit at the facility in Whitehall Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

44-05014D: Glenn O. Hawbaker, Inc. (711 East College Avenue, Pleasant Gap, PA 16823-6854) on March 17, 2010, to modify their existing crushing and asphalt plants in Armagh Township, **Mifflin County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

36-03075A: City of Lancaster AWWTP (120 North Duke Street, Lancaster, PA 17608-1599) on November 26, 2009, for completion of testing requirements in Lancaster Township, **Lancaster County**. This plan approval was extended.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Mark Gorog, New Source Review Chief—Telephone: 814-332-6940.

37-243F: INMETCO (One INMETCO Drive, Ellwood City, PA 16117) on April 30, 2010, to modify plan approval 37-243D condition with regards to the CO CEM for the 156,000 acfm baghouse controlling the Rotary Hearth Furnace in Ellwood City Borough, **Lawrence County**. This is a Title V facility.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

06-05004: Baldwin Hardware Corp. (841 East Wyomissing Boulevard, Reading, PA 19611-1759) on March 22, 2010, for their hardware manufacturing facility in Reading City, **Berks County**. This is a renewal of the Title V operating permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

10-00285: Waste Management Disposal Services of Pennsylvania Inc.—Northwest Sanitary Landfill (1436 West Sunbury Road, West Sunbury, PA 16061-2934) on March 24, 2010, TO reissue a Title V Operating Permit to operate a municipal waste landfill. This facility

is in Clay Township, **Butler County**. The primary emission sources include a municipal waste landfill, a parts washer and an emergency diesel generator.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00140: Amatex Corp. (1032 Stanbridge Street, Norristown, PA 19404) on March 29, 2010, for renewal of a Non-Title V Facility, State-only, Natural Minor Permit in Norristown Borough, **Montgomery County**. Amatex Corporation manufactures heat resistant fiberglass yarn and textiles. Sources of these particulate emissions include heat-treating units, drying ovens, and a texturizer. Amatex Corporation also operates an 8.5 mmBtu/hr boiler. The potential to emit particulate matter for this facility is 2.43 tons per year. There is also a potential to emit 5.51 tons of nitrogen oxides per year, 7.71 tons of sulfur oxides per year and 2.11 tons of volatile organic compounds per year. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507.

39-00089: Allentown Shotcrete Equipment (421 Schantz Road, Allentown, PA 18104) on March 29, 2009, for a State-only Operating Permit for manufacturing construction in Lower Macungie, **Lehigh County**. The issued State-only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

06-03126: Lehigh Cement Co. (204 Windsor Avenue, Hamburg, PA 19526) on March 23, 2010, for their specialty cement manufacturing facility in Windsor Township, **Berks County**. This is a renewal of the State-only operating permit.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6940.

43-00289: Spang and Co.—Power Electronics Division (5241 Lake Street, Sandy Lake, PA 16145) on March 24, 2010, to amend the Natural Minor Operating Permit to Spang and Company/Power Electronics Division in Sandy Lake Township, **Mercer County**. The facility's primary source of emissions is from surface coating operations. The amendment was to document the change of Permit Contact for the facility.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104.
Contact: Edward Braun, Chief—Telephone: 215-685-9476.*

S09-009: Presbyterian Medical Center (51 North 39th Street, Philadelphia, PA 19104) issued November 24, 2004 for the operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 400 HP boilers, a 250 HP boiler, and six (6) emergency generators.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00122: Arkema, Inc. (100 Route 413, Bristol, PA 19007) on March 30, 2010, the permit is being amended to incorporate conditions from Plan Approval No. 09-0122B in Bristol Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas J. Hanlon, Chief, East Permitting Section—Telephone: 717-705-4862 or Gary Helsel, Chief, West Permitting Section—Telephone: 814-949-7935.

28-05002: U. S. Army Letterkenny Army Depot (AMLD-EN, Chambersburg, PA 17201-4150) on March 18, 2010, to issue an administrative amendment to their Title V Operating Permit in Letterkenny Township, **Franklin County**. This Title V Operating Permit was administratively amended to incorporate Plan Approval No. 28-05002B. This is Revision No. 2.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.

24-00145: GE Thermometric, Inc., St. Marys Plant (967 Windfall Road, St. Marys, PA 15857). Per 25 Pa. Code § 127.449(i), this Notice is for the following *de minimis* emission increase at the GE Thermometric Inc., St. Marys Plant, located in St. Marys, **Elk County**:

Less than 0.70 ton per year for VOC and 0.53 ton per year HAPs resulting from the installation and operation of one dip coating tank, based on the maximum operation of 2,640 pounds per year.

The list of previously authorized *de minimis* increases at the facility is as follows:

| | |
|----------------|-------------------------------|
| April 2006: | Adhesive and Solder Station |
| May 2006: | Paasche Filter Booth |
| May 2006: | Plastic Molding |
| December 2006: | Solder Line and Electric Oven |
| March 2008: | Dielectric Testing |
| March 2008: | Electric Calcining Furnace |
| February 2009: | Laser Etch |

ACTIONS ON COAL AND NONCOAL MINING APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Coal Applications Returned

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

02070101 and NPDES Permit No. PA0250054. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205). Withdrawn the application for commencement, operation and reclamation of a bituminous surface mine, located in Robinson Township, **Allegheny County**, affecting 42.4 acres. Receiving streams: unnamed tributary to Campbells Run and Campbells Run. Application received: February 2, 2007. Application withdrawn: March 24, 2010.

Noncoal Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

05090801. Troy A. Crist, 2496 North Imbler Valley Road, Imbler, PA 16655, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Kimmel Township, **Bedford County**, affecting 5.0 acres, receiving stream(s): unnamed tributaries to the Frankstown Branch of the Juniata River; Beaverdam Creek. Permit received: September 1, 2009. Permit issued: March 22, 2010.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

61830608. James T. Morrison (292 John Diamond Road, Franklin, PA 16323) Transfer of an existing sandstone operation from James J. Morrison Construction in Cranberry Township, **Venango County**. Receiving streams: Unnamed tributary to the Allegheny River. Application received: December 24, 2009. Permit Issued: March 23, 2010.

33100801. Means Brothers (P.O. Box 131, Punxsutawney, PA 15767) Commencement, operation and restoration of a small sandstone operation in Young Township, **Jefferson County** affecting 5.0 acres. Receiving streams: Elk Run. Application received: February 11, 2010. Permit Issued: March 22, 2010.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

09870301C15. Warner Company, (1000 New Ford Mill Road, Morrisville, PA 19067), correction to an exist-

ing quarry operation to revised the post-mining land use to commercial in Falls Township, **Bucks County** affecting 501.1 acres, receiving stream: Van Sciver Lake. Application received: December 16, 2009. Correction issued: March 26, 2010.

09960301C7. Warner Company, (1000 New Ford Mill Road, Morrisville, PA 19067), correction to an existing quarry operation to revised the post-mining land use to commercial in Falls Township, **Bucks County** affecting 46.0 acres, receiving stream: none. Application received: December 29, 2009. Correction issued: March 26, 2010.

8274SM5C4 and NPDES Permit No. PA0123480. ICM of Pennsylvania, Inc., (638 Lancaster Avenue, Malvern, PA 19355), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Fulton Township, **Lancaster County**, receiving stream: Octoraro Creek. Application received: February 4, 2010. Renewal issued: March 29, 2010.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500.

03104001. Allegheny Mineral Corp. (P. O. Box 1022, Kittanning, PA 16201). Blasting activity permit for the construction of the Worthington Limestone Plant, located in West Franklin Township, **Armstrong County**. The duration of blasting is expected to be ten months. Permit issued: March 22, 2010.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

08104002. Doug Wathen, LLC (16282 State Highway 13, Suite J, Branson West, MO 65737). Blasting for a gas well—Blannard 1H-6H located in Standing Stone Township, **Bradford County**. Permit issued: March 18, 2010. Permit expires: April 30, 2010.

14104001. Glenn O. Hawbaker, Inc. (P. O. Box 135, State College, PA 16803-1649). Blasting for the White Rock reclamation project located in Spring Township, **Centre County**. Permit issued: March 12, 2010. Permit expires: May 31, 2011.

17104003. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Blasting for Saville GFCC #17-08-14 located in Bradford Township, **Clearfield County**. Permit issued: March 15, 2010. Permit expires: April 30, 2013.

41104101. Eastern Blasting Co., Inc. (1292 Street Road, New Hope, PA 18938-9324). Construction blasting for a drilling pad located in McIntyre Township, **Lycoming County**. Permit issued: March 16, 2010. Permit expires: March 31, 2011.

41104102. M & J Explosives, Inc. (P. O. Box 608, Carlisle, PA 17013-0608). Blasting for a pipeline located in Penn Township, **Lycoming County**. Permit issued: March 18, 2010. Permit expires: March 31, 2011.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

51104101. Ed Wean Drilling & Blasting, Inc., (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for State Road, Filter Street and James Street Relief Sewer in the City of Philadelphia, **Philadelphia County** with an expiration date of December 31, 2011. Permit issued: March 22, 2010.

19104001. Mazzuca Enterprises, Inc., (510 North 14th Street, P. O. Box 443, Pottsville, PA 17901) and Hayduk Enterprises, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for the Conyngham Township Sewer Project in Conyngham Township, **Columbia County** with an expiration date of March 1, 2011. Permit issued: March 23, 2010.

38104104. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Creekside Development in North Cornwall Township, **Lebanon County** with an expiration date of December 30, 2010. Permit issued: March 23, 2010.

58104010. M & S Blasting, LLC, (943 Gontarski Road, Hallstead, PA 18822), construction blasting for the Depoala 1—3 Well Site/Tank Pad in Dimock Township, **Susquehanna County** with an expiration date of March 13, 2011. Permit issued: March 25, 2010.

35104104. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Site Tech Quarry Reclamation in South Abington Township, **Lackawanna County** with an expiration date of March 31, 2011. Permit issued: March 26, 2010.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Floodplain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Regional Office: Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

E35-415. Alliance Sanitary Landfill, Inc., 398 South Keyser Avenue. Taylor Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain a channel change in 2,500 feet of Saw Mill Creek (CWF) with work consisting of installing riprap channel lining, constructing eleven rock-lined plunge pools and modifying eleven existing rock-lined plunge pools. The project is located on the north-west side of SR 3011 (Keyser Avenue) approximately 0.4 mile west of its intersection with SR 0476 (Turnpike Northeast Extension) (Scranton, PA Quadrangle Latitude: 41° 23' 41"; Longitude: -75° 44' 23") in Taylor Borough and Ransom Township, Lackawanna County.

E52-214. Barry L. May, P. O. Box 1123, Dublin, PA 18917. Palmyra Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To maintain an existing floating dock and to construct and maintain an 8-foot wide by 38-foot long pathway in the basin of Lake Wallenpaupack for the purpose of providing safe access to the existing dock. Work will consist of chipping away the top of a single embedded boulder and relocating the remainder of the boulders which are located within the footprint of the pathway. The project is located at Lot #4, along Vetterlein Lane, approximately 0.4 mile southwest of the intersection of SR 0507 and Buehler Road (Hawley, PA Quadrangle Latitude: 41° 24' 32"; Longitude: -75° 14' 21") in Palmyra Township, Pike County.

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E04-331. Beaver County Commissioners, 810 Third Street, Beaver, PA 15009. To construct and maintain stream enhancement project in Brighton Township, **Beaver County**, Pittsburgh ACOE District (Beaver, PA Quadrangle N: 18.0 inches; W: 15.9 inches, Latitude: 40° 23' 27"; Longitude: 80° 21' 53"). To construct and maintain a Stream Enhancement Project, measuring approximately 4,580 linear feet in the channel and along the banks of South Branch of Brady's Run (TSF) and Unnamed Tributaries to South Branch Brady's Run (TSF) consisting of J-Hook Vanes, Stone Cross Vanes, regrading the stream banks, and planting vegetation along the stream banks and extending the existing sandbar located

at the west end of the lake to the shore for the purpose of preventing accelerated erosion; this will impact approximately 0.04 acre of *de minimis* PSS/PEM wetlands. The project is located on the east side of SR 60 at Brady Run Park, approximately 4,000.00 feet upstream from Brady's Run Dam (D04-035).

E30-229. Department of Transportation-District 12-0, 825 North Gallatin Avenue Extension, Uniontown, PA 15401-2105. To remove existing bridge and construct and maintain new bridge in Franklin Township, **Greene County**, Pittsburgh ACOE District (Waynesburg, PA Quadrangle N: 4.3 inches; W: 11.4 inches, Latitude: 39° 53' 57"; Longitude: 80° 12' 23"). To remove the existing bridge and to construct and maintain a new bridge having a 100 ft span, 40 ft width, and underclearance of 12 ft over Browns Creek (HQ-WWF). To place and maintain fill within a PEM/PSS wetland with an impact of 0.023 acre (*de minimis*). The new bridge is located downstream and adjacent to the existing single span bridge.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E10-453. Armstrong Development Properties, Inc., 2100 Wharton Street, Pittsburgh, PA 15203. CVS Pharmacy, in Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40° 41' 30"; W: 80° 1' 7").

To construct a pharmacy and associated parking and infrastructure at the NW corner of the intersection of SR 228 and SR 3019 (Pittsburgh Street) involving to construct and maintain: 1) a stream relocation of approximately 335 feet of an UNT Breakneck Creek to a constructed U-shaped concrete channel with concrete side walls and a meandering low flow channel having a length of approximately 45 feet; 2) an approximately 15-foot-long extension on the upstream end of the existing Department of Transportation 2.5-foot-diameter, 40-foot-long RCP culvert under SR 3019 (Pittsburgh Street); 3) a waterline crossing of UNT Breakneck Creek; and 4) two stormwater outfalls to UNT Breakneck Creek having 1.33-foot and 1.5-foot diameters respectively.

E16-139. Northeastern ITS, 6779 Engle Road, Suite D., Middleburg Heights, OH 44130-7926, multiple municipalities in **Clarion County**, ACOE Pittsburgh District.

To construct and maintain a conduit fiber optic system across Pennsylvania along roadway right-of-ways. The proposed project originates in Cleveland, OH and terminates in New Jersey running approximately 450 miles. A total of 23.3 miles of Clarion County will be traversed by the proposed project beginning at the Venango-Clarion County border on US-322 and ending at the Clarion-Jefferson County border on US-322. The applicant proposes to cross a total of 17 streams in Clarion County via boring or bridge attachment. The proposed crossings are listed below from west to east.

1. Tributary to Pine Run (CWF), N: 41° 17' 29.70"; W: 79° 35' 02.61", Ashland Township.
2. Tributary to Little East Sandy Creek (CWF), N: 41° 17' 13.99"; W: 79° 34' 45.35", Ashland Township.
3. Tributary to Little East Sandy Creek (CWF), N: 41° 16' 52.56"; W: 79° 33' 37.14", Ashland Township.
4. Tributary to Canoe Creek (HQ-CWF), N: 41° 16' 23.72"; W: 79° 32' 13.31", Ashland Township.
5. Tributary to Canoe Creek (HQ-CWF), N: 41° 16' 22.39"; W: 79° 31' 44.02", Ashland Township.

6. Tributary to Deer Creek (CWF), N: 41° 15' 53.93"; W: 79° 29' 41.85", Elk Township.

7. Tributary to Deer Creek (CWF), N: 41° 15' 29.36"; W: 79° 28' 35.95", Elk Township.

8. Deer Creek (CWF), N: 41° 15' 21.27"; W: 79° 28' 19.51", Elk Township.

9. Paint Creek (CWF), N: 41° 14' 47.69"; W: 79° 26' 49.01", Elk Township.

10. Tributary to Clarion River (CWF), N: 41° 13' 35.18"; W: 79° 24' 17.56", Paint Township.

11. Clarion River (CWF), N: 41° 13' 33.69"; W: 79° 24' 09.69", Paint Township.

12. Tributary to Clarion River (CWF), N: 41° 12' 12.52"; W: 79° 21' 22.95", Clarion Township.

13. Tributary to Brush Run (CWF), N: 41° 12' 06.20"; W: 79° 19' 12.13", Strattanville Borough.

14. Tributary to Brush Run (CWF), N: 41° 12' 02.75"; W: 79° 19' 05.00", Strattanville Borough.

15. Tributary to Douglass Run (CWF), N: 41° 11' 24.93"; W: 79° 16' 50.34", Clarion Township.

16. Douglass Run (CWF), N: 41° 11' 10.01"; W: 79° 15' 36.11", Clarion Township.

17. Tributary to Little Piney Creek (CWF), N: 41° 10' 47.55"; W: 79° 13' 10.05", Clarion Township.

E42-345, Josh and Sarah Rounsville. Private Access Road Culvert, in Ceres Township, **McKean County**, ACOE Pittsburgh District (Bullis Mills, PA Quadrangle N: 78° 20' 0"; W: 42° 57' 30").

To construct and maintain a 34-foot-long, 6-foot-diameter culvert in a UNT tributary to Barden Brook approximately 0.6 mile south of the intersection of Barden Brook Road (T-429) and T-394 to access a private residence.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individu-

als should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

Southwest Region: Oil and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

3/2/10

ESCGP-1 No.: ESX10-051-0006

Applicant Name: Atlas Resources, LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Fayette

Township(s): Perry

Receiving Stream(s) and Classifications: UNT to Youghiogheny River, WWF, other

3/3/10

ESCGP-1 No.: ESX10-051-0007

Applicant Name: Atlas Resources, LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Fayette

Township(s): German

Receiving Stream(s) and Classifications: UNT to Middle Run, other

2/26/10

ESCGP-1 No.: ESX10-003-0001

Applicant Name: Range Resources—Appalachia, LLC

Contact Person: Carla Suszkowski

Address: 380 Southpointe Boulevard, Suite 300

City: Canonsburg State: PA Zip Code: 15317

County: Allegheny

Township(s): Frazer

Receiving Stream(s) and Classifications: Yutes Run, other

3/5/10

ESCGP-1 No.: ESX10-059-0014

Applicant Name: AB Resources

Contact Person: Mark Deal

Address: 6802 West Snowville Road, Suite E

City: Brecksville State: OH Zip Code: 44141

County: Greene

Township(s): Richhill

Receiving Stream(s) and Classifications: UNT to Crabapple Creek, WWF, other

3/1/10 PHASE

ESCGP-1 No.: ESX09-005-0008-2

Applicant Name: Exco Resources (PA), Inc.

Contact Person: Brian Rushe

Address: 3000 Ericsson Drive, Suite 200

City: Warrendale State: PA Zip Code: 15086

County: Armstrong

Township(s): Manor

Receiving Stream(s) and Classifications: Campbell Run, WWF and Tub Mill Run, WWF, other

3/8/10

ESCGP-1 No.: ESX10-059-0015

Applicant Name: Chesapeake Appalachia, LLC

Contact Person: Tal Oden

Address: P. O. Box 18496

City: Oklahoma City State: OK Zip Code: 73154-0496

County: Greene

Township(s): Jackson

Receiving Stream(s) and Classifications: Receiving 1—UNT (WWF)-House Run (WWF)-Mccourtney (WWF)—S Fork Ten Mile Creek to Brown Creek (WWF)—Southfork Ten Mile Creek (from Brown Creek (WWF)—Southfork Ten Mile Creek (from Brown Creek)(HQ-WWF)—Ten Mile Creek (TSF)—Monongahela River (WWF)

Receiving 2—UNT (WWF)—Webster Run (WWF)—N Fork Dunkard Fork (TSF)—Dunkard Fork (WWF)—Wheeling Creek (WWF)—Ohio River (WWF), HQ

3/4/10 REV

ESCGP-1 No.: ESX10-129-0004

Applicant Name: Longfellow Energy, LP

Contact Person: Sean Gabel

Address: 4801 Gaillardia Parkway, Suite 225

City: Oklahoma City State: OK Zip Code: 73142

County: Westmoreland

Township(s): Donegal

Receiving Stream(s) and Classifications: Loyalhanna Creek Basin and Indian Creek Basin, HQ

3/15/10

ESCGP-1 No.: ESX10-059-0013

Applicant Name: Energy Corporation of America

Contact Person: Andy Travis

Address: 501 56th Street

City: Charleston State: WV Zip Code: 25304

County: Greene

Township(s): Greene/Cumberland

Receiving Stream(s) and Classifications: Minor Run, South Branch Muddy Creek, other

3/11/10

ESCGP-1 No.: ESX10-111-0002

Applicant Name: Michael Hirtz

Contact Person: Chief Oil & Gas, LLC

Address: 6051 Wallace Road Ext., Suite 210

City: Wexford State: PA Zip Code: 15090

County: Somerset

Township(s): Jefferson

Receiving Stream(s) and Classifications: UNT to Laurel Hill Creek, other

3/8/10

ESCGP-1 No.: ESX10-125-0017

Applicant Name: Markwest Liberty Midstream & Resources, LLC

Contact Person: Robert Mchale

Address: 100 Plaza Drive, Suite 102

City: Atlasburg State: PA Zip Code: 15104

County: Washington

Township(s): Independence

Receiving Stream(s) and Classifications: UNT to Sugarcamp Run, HQ

3/11/10 Major Rev.

ESCGP-1 No.: ESX09-111-0005

Applicant Name: Chief Oil & Gas, LLC

Contact Person: Michael Hirtz

Address: 6051 Wallace Road, Suite 210

City: Wexford State: PA Zip Code: 15090

County: Somerset

Township(s): Middlecreek

Receiving Stream(s) and Classifications: UNT to Middle Creek and Lost Creek, HQ and other

3/23/10 Major Rev.

ESCGP-1 No.: ESX09-063-0009

Applicant Name: XTO Energy, INC.

Applicant Name: Bernhardt Kissel

Address: 395 Airport Road

City: Indiana State: PA Zip Code: 15701

County: Indiana

Township(s): Center

Receiving Stream(s) and Classifications: Cherry Run, CWF, other

ESCGP-1 No.: ESX10-125-0015

Applicant Name: Chesapeake Appalachia, LLC

Contact Person: Tal Oden

Address: P. O. Box 18496

City: Oklahoma City State: OK Zip Code: 73154-0496

County: Washington

Township(s): Robinson

Receiving Stream(s) and Classifications: UNT (WWF)—Little Raccoon Run (WWF)—Raccoon Creek (WWF) to Ohio River, other

3/8/10

ESCGP-1 No.: ESX10-059-0011

Applicant Name: Atlas Resources, LLC

Contact person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Greene

Township(s): Cumberland

Receiving Stream(s) and Classifications: Little Whitely Creek, other

Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-1 # ESX10-117-0058

Applicant Name East Resources, Inc.

Contact Person Jefferson Long

Address 301 Brush Creek Road

City, State, Zip Warrendale, PA 15086

County Tioga

Township(s) Delmar and Charleston Townships

Receiving Stream(s) and Classification(s) Horse Thief Run, UNT to Catlin Hollow, UNT to Baldwin Run, Marsh Creek, UNT to Marsh Creek

ESCGP-1 # ESX10-015-0067

Applicant Name Appalachia Midstream Services

Contact Person Patrick Myers

Address 100 1st Center

City, State, Zip Horseheads, NY 14845

County Bradford

Township(s) Terry Township

Receiving Stream(s) and Classification(s) Susquehanna River and Durell Creek

ESCGP-1 # ESX10-015-0062

Applicant Name Chesapeake Appalachia

Contact Person Eric Haskins

Address 100 1st Center

City, State, Zip Horseheads, NY 14845

County Bradford

Township(s) Smithfield Township

Receiving Stream(s) and Classification(s) Tomjack Creek

ESCGP-1 # ESX10-015-0058

Applicant Name Southwestern Energy Production Co.

Contact Person Jeffrey Sherrick

Address 2350 North Sam Houston Parkway East, Suite 125

City, State, Zip Houston, TX 77032

County Bradford

Township(s) Stevens Township

Receiving Stream(s) and Classification(s) UNTs to Cold Creek/Wyalusing Creek Watershed

ESCGP-1 # ESX10-117-0059

Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Shippen Township
 Receiving Stream(s) and Classification(s) Heise River to
 Marsh Creek/SUNT to East Branch Stony Fork/
 Susquehanna River
 Secondary—Stony Fork, Babb Creek, Pine Creek to
 West Branch Susquehanna

ESCGP-1 # ESX10-015-0060

Applicant Name Chesapeake Appalachia
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) West Burlington Township
 Receiving Stream(s) and Classification(s) UNT to Sugar
 Creek
 Secondary—Sugar Creek

ESCGP-1 # ESX10-015-0069

Applicant Name Chesapeake Appalachia
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Leroy Township
 Receiving Stream(s) and Classification(s) UNT to
 Towanda Creek
 Secondary—Towanda Creek

ESCGP-1 # ESX10-015-007

Applicant Name Chesapeake Appalachia
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Wysox Township
 Receiving Stream(s) and Classification(s) Dry Run
 Secondary—Wysox Creek

ESCGP-1 # ESX10-015-0049

Applicant Name Talisman Energy (USA), Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Columbia Township
 Receiving Stream(s) and Classification(s) UNT to North
 Branch Sugar Creek

ESCGP-1 # ESX10-015-0068

Applicant Name Talisman Energy (USA), Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Granville Township
 Receiving Stream(s) and Classification(s) UNT to
 Towanda Creek

ESCGP-1 # ESX10-015-0072

Applicant Name Southwestern Energy Production Co.
 Contact Person Jeffrey Sherrick
 Address 2350 North Sam Houston Parkway East, Suite
 125
 City, State, Zip Houston, TX 77032
 County Bradford

Township(s) Herrick

Receiving Stream(s) and Classification(s) UNT to Cold
 Creek

ESCGP-1 # ESG10-117-0023

Applicant Name Fortuna Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Tioga
 Township(s) Ward Township
 Receiving Stream(s) and Classification(s) UNT Fall
 Brook, UNT to Fellows Creek

ESCGP-1 # ESG10-117-0014

Applicant Name Fortuna Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Tioga
 Township(s) Ward
 Receiving Stream(s) and Classification(s) UNT to Fall
 Brook, UNT to Fellows Creek

ESCGP-1 # ESX10-015-0083

Applicant Name Talisman Energy (USA), Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Columbia Township
 Receiving Stream(s) and Classification(s) UNT to Sugar
 Creek

ESCGP-1 # ESX10-081-0013

Applicant Name Chief Oil & Gas
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Suite 210
 City, State, Zip Wexford, PA 15090
 County Lycoming
 Township(s) Mifflin Township
 Receiving Stream(s) and Classification(s) UNT to Left
 Fork of Larry's Creek

ESCGP-1 # ESX10-081-0012

Applicant Name Chief Oil & Gas
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Suite 210
 City, State, Zip Wexford, PA 15090
 County Lycoming
 Township(s) Cogan House Township
 Receiving Stream(s) and Classification(s) UNT to
 Hoagland Run

ESCGP-1 # ESX10-015-0074

Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Terry Township
 Receiving Stream(s) and Classification(s) North Branch
 Sugar Run
 Secondary—Sugar Creek

SPECIAL NOTICES

Notice of intent to issue a Hazardous Waste Permit under the Resource Conservation And Recovery Act and the Hazardous And Solid Waste Amendments of 1984, and opportunity for a public hearing.

Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790.

DEP DRAFT HAZARDOUS WASTE PERMIT

Permittee: Bethlehem Apparatus Company, Inc.
Permit No.: PAD0000453084
Facility: Bethlehem Apparatus Company, Inc.
 City of Bethlehem
 Northampton County

The Department of Environmental Protection (Department) intends to issue to Bethlehem Apparatus Company, Inc. a Solid Waste Management Act Permit. This draft permit is to operate a Hazardous Waste facility located in the City of Bethlehem, PA.

Public Review, Public Comment, Public Hearing

The Hazardous Waste Regulations, 25 Pa. Code § 270a.80(2) Public Notice and Comment requirements state: The Department gives public notice of the following actions: A draft permit is prepared under § 270a.10(c).

Section 270a.80(b) of 25 Pa. Code requires that the public be given forty-five (45) days to comment on each draft permit prepared under the Solid Waste Management Act. The comment period will begin on April 17, 2010, and will end on June 1, 2010. Any person interested in commenting on the application or draft permit must do so within this comment period. Copies of the application, draft permit and fact sheet for the Hazardous Waste Facility may be reviewed at the Department, Bethlehem District Office at 4530 Bath Pike (Route 512), Bethlehem, PA 18017. Contact Edward G. Dudick at 570-826-2511 for further information.

Further Information

All persons wishing to comment on any of the permit conditions or permit application should submit the comments in writing to the Department of Environmental Protection, Waste Management Program, 2 Public Square, and Wilkes-Barre, PA 18711-0790; Attention William Tomayko, Regional Solid Waste Manager. Comments should include all reasonably available references, factual grounds and supporting materials.

A public hearing is scheduled for Tuesday, May 11, 2010, at 1 p.m. The hearing will be held at the Bethlehem Town Hall, 10 East Church Street, Bethlehem, PA 18018. The public hearing will be held on the Department's draft permit for Hazardous Waste storage and processing.

Final Determination

When making a determination regarding the issuance of a hazardous waste permit to Bethlehem Apparatus Company, Inc. The Department will consider all written comments received during the comment period, and oral or written statements received during the public hearing, the requirements of the hazardous waste regulations of 25 Pa. Code Chapters 260—270 and the Department's permitting policies.

Facility Description

The Bethlehem, PA, facility of Bethlehem Apparatus Company, located in Northampton County, is a treatment and storage facility for primarily mercury bearing materials.

The facility recycles/reclaims mercury from mercury bearing hazardous waste and sends it to their Hellertown facility for further refining by distillation for sale to commercial and industrial users. The treatment process for mercury bearing waste results in the generation of

residual waste, that no longer contains mercury, as well as metals, plastics, and glass that are sent for recycling. The facility currently has an office area, a paved receiving lot, a material sorting and preparation area with various safety and handling equipment, an enclosed and covered container storage area, six high vacuum mercury retorts and associated equipment, a high vacuum auto-feed retort system, calomel work area and a research and development laboratory. A mercury amalgamation area (for mercury retirement) is under development. All storage and treatment operations take place within the enclosed building.

[Pa.B. Doc. No. 10-646. Filed for public inspection April 9, 2010, 9:00 a.m.]

Alternative Fuel Vehicle Rebate Program

The Department of Environmental Protection (Department) announces an opportunity for individuals to qualify for rebates under the Department's Alternative Fuel Vehicle Rebate Program (Program). The Program, authorized through the July 4, 2008, amendment of the Alternative Fuel Incentive Act (Act 178 of 2004), provides \$500 rebates to assist with the incremental costs of purchasing a new alternative fuel vehicle. Alternative fuel vehicles include plug-in hybrid electric vehicles, plug-in electric vehicles, natural gas vehicles, propane-powered vehicles, hydrogen vehicles and fuel cell vehicles. Retrofits of original equipment manufacturer vehicles are not eligible. The Program was established to help reduce this Commonwealth's dependence on imported oil and to improve the environmental quality by using alternative fuels.

To qualify for the \$500 rebate, the alternative fuel vehicle must be registered in and primarily operated within this Commonwealth. A list of eligible vehicles may be obtained from the Department's web site at www.depweb.state.pa.us (DEP Keyword: "Alternative Fuel Vehicle Rebates"). The rebates will be offered on a first-come, first-served basis as long as funds are available. A total of \$500,000 is available for allocation under the Program. Rebate request forms and required documentation must be postmarked no later than 6 months after the vehicle is purchased.

Rebate forms, along with additional information about the Program, may be obtained on the Department's web site at www.depweb.state.pa.us (DEP Keyword: "Alternative Fuels") or by contacting the Program at (866) 294-3854, (717) 214-3492 or epafiginfo@state.pa.us.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-647. Filed for public inspection April 9, 2010, 9:00 a.m.]

Bid Opportunity

OSM 16(2468)101.1, Abandoned Mine Reclamation Project, Callensburg West, Perry Township, Clarion County. The principal items of work and approximate quantities include mobilization and demobilization; 1,700 linear feet of brush barrier; 1,070 linear feet of subsurface drain; 269,700 cubic yards of grading; 1,105 square yards of rock lining with filter material and 20.0 acres of

seeding. This project issues on April 9, 2010, and bids will be opened on May 6, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-648. Filed for public inspection April 9, 2010, 9:00 a.m.]

Bid Opportunity

OSM 33(1389)101.1, Abandoned Mine Land Reclamation Project, Harvey's Run North, Washington Township, Jefferson County. The principal items of work and approximate quantities include mobilization and demobilization; 196,225 cubic yards of grading; 15,000 square yards of erosion control mulch blanket; 180 square yards of r-5 rock lining with filter material and 14.9 acres of seeding. This project issues on April 9, 2010, and bids will be opened on May 6, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-649. Filed for public inspection April 9, 2010, 9:00 a.m.]

Bid Opportunity

OSM 37(6299)101.1, Abandoned Mine Land Reclamation Project, Glenkirk School, New Beaver Borough, Lawrence County. The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing; dewatering and diversion and care of water; 299,000 cubic yards of grading; 480 cubic yards of ditch excavation; 1,275 square yards of water course and erosion slope protection; 60 square yards of rock lining with filter material; 110 square yards of concrete revetment block; 55 linear feet of twin 10-inch diameter smooth interior corrugated polyethylene pipe and 20.5 acres of seeding. This project issues on April 9, 2010, and bids will be opened on May 6, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at

(717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-650. Filed for public inspection April 9, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Chronic Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 14) (35 P. S. § 6204), will hold a public meeting on Friday, April 30, 2010, from 10 a.m. to 2 p.m. The meeting will be held in Conference Room 327 of the Health and Welfare Building, 625 Forster Street, Harrisburg, PA.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodations to do so, contact Carolyn S. Cass, Director, Division of Child and Adult Health, Department of Health, Health and Welfare Building, Seventh Floor, East Wing, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 772-2762, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-651. Filed for public inspection April 9, 2010, 9:00 a.m.]

Tobacco Use Prevention and Cessation Advisory Committee; Public Meeting

The Tobacco Use Prevention and Cessation Advisory Committee (Committee) of the Department of Health will hold a public meeting on May 12, 2010, in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

The public meeting of the Committee will be held from 1 p.m. to 4 p.m. The purpose of the meeting is to discuss the tobacco use prevention and cessation priorities for the State Fiscal Year 2010-2011.

This meeting is open to the public. No reservations are required to attend the public meeting.

For additional information, or for persons with a disability who wish to attend the meeting or wish to submit a comment and require an auxiliary aid, service or other accommodation to do so, contact Mary K. Parker, Division of Tobacco Prevention and Control, Room 1032, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 783-6600, or V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-652. Filed for public inspection April 9, 2010, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Meeting Rescheduled

The State Transportation Advisory Committee has postponed the meeting scheduled for April 8, 2010, until April 22, 2010, from 10 a.m. to 12 p.m. in Conference Room 8N1 on the 8th Floor of the Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Nolan Ritchie at (717) 787-2913 or nritchie@state.pa.us.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 10-653. Filed for public inspection April 9, 2010, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The April 20, 2010, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board is scheduled for Wednesday, May 19, 2010, at 9 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. An agenda and meeting materials for the May 19, 2010, meeting will be available on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (DEP Search/Keyword: "EQB").

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or mtate@state.pa.us.

JOHN HANGER,
Chairperson

[Pa.B. Doc. No. 10-654. Filed for public inspection April 9, 2010, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, www.irrc.state.pa.us.

Final-Omit

| Reg. No. | Agency/Title | Received | Public Meeting |
|----------|--|----------|----------------|
| 3-46 | Department of Banking General Provisions Hearings and Conferences | 3/25/10 | 5/13/10 |
| 3-47 | Department of Banking Mortgage Licensee Continuing Education | 3/25/10 | 5/13/10 |

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-655. Filed for public inspection April 9, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Increase in Underwriting Authority of a Domestic Stock Casualty Insurance Com- pany; UPMC Health Benefits, Inc.

UPMC Health Benefits, Inc. (UPMC), a domestic stock casualty insurance company, has filed an application to increase its classes of underwriting authorities. The class of insurance that UPMC has applied to add is as mentioned in 40 P. S. § 382(c)(14), Workers' Compensation.

Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-656. Filed for public inspection April 9, 2010, 9:00 a.m.]

Application and Request for a Certificate of Au- thority to Provide a Continuing Care Retirement Community by The Green Home

The Green Home has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at The Green Home in Wellsboro, PA. The initial filing was received on March 10, 2010, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3325).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each

written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-657. Filed for public inspection April 9, 2010, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Little Flower Manor of the Diocese of Scranton

Little Flower Manor of the Diocese of Scranton has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Little Flower Manor/Saint Therese Residence in Wilkes-Barre, PA. The initial filing was received on March 16, 2010, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3325).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-658. Filed for public inspection April 9, 2010, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of David Becirovic; file no. 10-181-84213; Encompass Home & Auto Insurance Company; Doc. No. P10-03-010; May 18, 2010, 9:30 a.m.

The following hearings will be held in the Pittsburgh Regional Office, Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Jerry and Cathie Bockstoe; file no. 10-169-82922; State Farm Mutual Automobile Insurance Company; Doc. No. P10-03-007; May 6, 2010, 11 a.m.

Appeal of Dorylee Dominguez; file no. 09-302-78560; Allstate Indemnity Company; Doc. No. PI09-11-028; May 6, 2010, 3 p.m.

Appeal of Maxine Mizwa; file no. 09-183-79301; Motorists Mutual Insurance Company; Doc. No. P09-12-006; May 7, 2010, 9 a.m.

Appeal of Dorothea and Alan Sklan; file no. 09-302-77662; Response Worldwide Direct Auto Insurance Company; Doc. No. PI09-11-029; May 7, 2010, 11 a.m.

Appeal of James Wolak; file no. 09-183-79446; State Farm Mutual Insurance Company; Doc. No. P09-12-019; May 6, 2010, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-659. Filed for public inspection April 9, 2010, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the automobile policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Pittsburgh Regional Office, Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Erie Insurance Exchange; file no. 09-169-79060; Jacquelyn Brown-Carmichael; Doc. No. P09-12-016; May 7, 2010, 10 a.m.

Appeal of Geico General Insurance Company; file no. 10-188-82115; Charles E. and Charlene H. Newkirk; Doc. No. P10-02-005; May 6, 2010, 1 p.m.

Appeal of State Farm Mutual Automobile Insurance Company; file no. 10-183-83536; Wilmont R. Vangorder; Doc. No. P10-03-008; May 6, 2010, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-660. Filed for public inspection April 9, 2010, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Frank A. Juliano, Sr.; file no. 10-216-82873; Cumberland Mutual Fire Insurance Company; Doc. No. PH10-03-012; May 11, 2010, 11 a.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Marc and Denise Stein; file no. 10-119-82962; Erie Insurance Exchange; Doc. No. P10-03-006; May 6, 2010, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-661. Filed for public inspection April 9, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Commercial Mobile Radio Services

A-2010-2166564. Citizens Telephone Company of Kecksburg and Sprint Nextel. Joint petition of Citizens Telephone Company of Kecksburg and Sprint Nextel for a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Citizens Telephone Company of Kecksburg and Sprint Nextel, by its counsel, filed on March 25, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for a commercial mobile radio services interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Citizens Telephone Company of Kecksburg and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-662. Filed for public inspection April 9, 2010, 9:00 a.m.]

Commercial Mobile Radio Services

A-2010-2166497. North-Eastern Pennsylvania Telephone Company and Sprint Nextel. Joint petition of the North-Eastern Pennsylvania Telephone Company and Sprint Nextel for a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The North-Eastern Pennsylvania Telephone Company and Sprint Nextel, by its counsel, filed on March 25, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for a commercial mobile radio services interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North-Eastern Pennsylvania Telephone Company and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-663. Filed for public inspection April 9, 2010, 9:00 a.m.]

Commercial Mobile Radio Services

A-2010-2166597. North Penn Telephone Company and Sprint Nextel. Joint petition of North Penn Telephone Company and Sprint Nextel for a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

North Penn Telephone Company and Sprint Nextel, by its counsel, filed on March 25, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for a commercial mobile radio services interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the North Penn Telephone Company and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-664. Filed for public inspection April 9, 2010, 9:00 a.m.]

Commercial Mobile Radio Services

A-2010-2167084. Palmerton Telephone Company and Sprint Nextel. Joint petition of Palmerton Telephone Company and Sprint Nextel for a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Palmerton Telephone Company and Sprint Nextel, by its counsel, filed on March 29, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for a commercial mobile radio services interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Palmerton Telephone Company and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-665. Filed for public inspection April 9, 2010, 9:00 a.m.]

Commercial Mobile Radio Services

A-2010-2166553. Pennsylvania Telephone Company and Sprint Nextel. Joint petition of Pennsylvania Telephone Company and Sprint Nextel for a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Pennsylvania Telephone Company and Sprint Nextel, by its counsel, filed on March 25, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for a commercial mobile radio services interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Pennsylvania Telephone Company and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-666. Filed for public inspection April 9, 2010, 9:00 a.m.]

Commercial Mobile Radio Services

A-2010-2166587. South Canaan Telephone Company and Sprint Nextel. Joint petition of South Canaan Telephone Company and Sprint Nextel for a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

South Canaan Telephone Company and Sprint Nextel, by its counsel, filed on March 25, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for a commercial mobile radio services interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the South Canaan Telephone Company and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-667. Filed for public inspection April 9, 2010, 9:00 a.m.]

Commercial Mobile Radio Services

A-2010-2167292. Sprint Nextel and Venus Telephone Corporation. Joint petition of Sprint Nextel and Venus Telephone Corporation for approval of a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Sprint Nextel and Venus Telephone Corporation, by its counsel, filed on March 30, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a commercial mobile radio services inter-

connection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Sprint Nextel and Venus Telephone Corporation joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-668. Filed for public inspection April 9, 2010, 9:00 a.m.]

Commercial Mobile Radio Services

A-2010-2166494. Yukon-Waltz Telephone Company and Sprint Nextel. Joint petition of Yukon-Waltz Telephone Company and Sprint Nextel for a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Yukon-Waltz Telephone Company and Sprint Nextel, by its counsel, filed on March 25, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for a commercial mobile radio services interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Yukon-Waltz Telephone Company and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-669. Filed for public inspection April 9, 2010, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 26, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary

between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2010-2162112. Manheim Veterans Memorial Ambulance Association (26 East High Street, Manheim, Lancaster County, PA 17545)—a corporation of the Commonwealth—persons in paratransit service, from points in Lancaster County, to points in Pennsylvania, and return. *Attorney:* Robert A. Longo, 15 North Lime Street, Lancaster, PA 17602.

A-2010-2165634. Lisa Ann Thrush (26 Carriage Drive, Gordonville, Lancaster County, PA 17529)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

A-2010-2167108. Henry L. Griffin (281 Brush Mt. Road, Spring Mills, Centre County, PA 16875), persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Centre, Clinton and Lycoming Counties to points in Pennsylvania, and return.

A-2010-2167111. Venancio Fernandez, t/a VF Car Services (416 Crystal Rock Road, Temple, Berks County, PA 19560)—to begin to transport, as a common carrier, by motor vehicle, persons, in paratransit service between points in Berks County, PA.

A-2010-2167229. Jeffrey L. Curry (146 Birch Drive, Lewistown, Mifflin County, PA 17044), persons, in limousine service, from points in the Counties of Mifflin, Juniata, Center, Snyder, Huntingdon and Blair, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Jennifer M. Sultzberger, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.

A-2010-2151305. (Corrected) Allegheny Valley Transfer Company (1512 Lebanon Church Road, Pittsburgh, Allegheny County, PA 15236), a corporation of the Commonwealth, for an amendment to its common carrier certificate, which grants the right to transport, as a common carrier, by motor vehicle: (1) household goods and office furniture in use, from points in the County of Allegheny to points in Pennsylvania, and vice versa; and (2) carrier painters' ladders between points in the City of Pittsburgh, Allegheny County, and from points in said City to other points in the County of Allegheny, and vice versa; *subject to the following condition:* that no right, power or privilege is granted to make package deliveries from stores: *So As To Permit* the transportation of household goods in use from points in the Counties of Washington and Butler, to points in Pennsylvania, and vice versa. *Attorney:* David O'Boyle, Esquire, 1450 Two Chatham Center, 112 Washington Place, Pittsburgh, PA 15219-3455.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2010-2166288. Bonnie L. Anderson (P. O. Box 178, East Waterford, Juniata County, PA 17021)—discontinuance of service—persons, in paratransit service, between points in Pennsylvania, excluding service between points in Allegheny County, and excluding service which is under the jurisdiction of the Philadelphia Parking Authority.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. David G. Marx, Sr., t/a Marx Limousine Service; Doc. No. C-2010-2162093

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That David G. Marx, Sr., t/a Marx Limousine Service, Respondent, maintains his principal place of business at 1516 Orchlee Street, Pittsburgh, PA 15212.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on September 2, 2003, at Application Docket No. A-00119034.

3. That on December 20, 2007, Respondent received an initial assessment of \$431. On August 1, 2008, the Commission waived \$143.67 of Respondent's initial assessment. On August 29, 2008, Respondent received an initial assessment of \$442, and on September 9, 2009, Respondent received an initial assessment of \$353. Respondent failed to pay these assessments, as well as the remainder of his 2007 assessment; therefore, a balance was due in the amount of \$1,082.33.

4. That Respondent has an outstanding assessment of \$1,082.33.

5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That Respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement
Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, contact the Compliance Office at (717) 787-1227.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-670. Filed for public inspection April 9, 2010, 9:00 a.m.]

Telecommunications

A-2010-2166877. Laurel Highland Telephone Company and Sprint Nextel. Joint petition of Laurel Highland Telephone Company and Sprint Nextel for approval of the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Laurel Highland Telephone Company and Sprint Nextel, by its counsel, filed on March 25, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Laurel Highland Telephone Company and Sprint Nextel joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-671. Filed for public inspection April 9, 2010, 9:00 a.m.]

Telecommunications

A-2010-2166901. Sprint Nextel and Lackawaxen Telecommunications Services, Inc. Joint petition of Sprint Nextel and Lackawaxen Telecommunications Services, Inc. for approval of the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Sprint Nextel and Lackawaxen Telecommunications Services, Inc., by its counsel, filed on March 25, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Sprint Nextel and Lackawaxen Telecommunications Services, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-672. Filed for public inspection April 9, 2010, 9:00 a.m.]

Telecommunications

A-2010-2166896. Sprint Nextel and Pymatuning Independent Telephone Company. Joint petition of Sprint Nextel and Pymatuning Independent Telephone Company for approval of the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Sprint Nextel and Pymatuning Independent Telephone Company, by its counsel, filed on March 26, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Sprint Nextel and Pymatuning Independent Telephone Company joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-673. Filed for public inspection April 9, 2010, 9:00 a.m.]

Telecommunications

A-2010-2166904. Verizon North, Inc. and Zayo Bandwidth, LLC. Joint petition of Verizon North, Inc. and Zayo Bandwidth, LLC for approval of an adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, Inc. and Zayo Bandwidth, LLC, by its counsel, filed on March 26, 2010, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and Zayo Bandwidth, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-674. Filed for public inspection April 9, 2010, 9:00 a.m.]

PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

Meeting Rescheduled

The April 15, 2010, Pennsylvania Stimulus Oversight Commission meeting time has changed. The meeting will now start at 9 a.m. and conclude at 11:30 a.m., at the Lehigh Valley Government Center, 17 South 7th Street, Allentown, PA.

RONALD NAPLES,
Chairperson

[Pa.B. Doc. No. 10-675. Filed for public inspection April 9, 2010, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts. The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

| | | |
|---------------|--------------------------------------|--------|
| July 14, 2010 | Joel Fetterman (Multiple Service) | 1 p.m. |
| July 28, 2010 | Diane M. Nell (Multiple Service) | 1 p.m. |

Persons with a disability wishing to attend the previously-listed hearings, who require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact Barbara Flurie, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1, (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 10-676. Filed for public inspection April 9, 2010, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v.
Whitney A. White; Doc. No. 2340-42-09; File
09-42-12190**

On January 5, 2010, the State Board of Barber Examiners (Board) suspended the license of Whitney A. White, license no. BL50287L, of Oakdale, Allegheny County. The Board took this action under the Order of the Court of Common Pleas of Allegheny County dated December 16, 2009, which the Court issued under Section 4355 of the Domestic Relations Code. The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

L. ANTHONY SPOSSEY,
Chairperson

[Pa.B. Doc. No. 10-677. Filed for public inspection April 9, 2010, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for Project 10-0001 for a variety of construction products such as lumber, insulation, stair stringers, wall plates, fasteners, hardware and finish materials to complete an entire duplex residence. Bid documents can be obtained from Nancy Froeschle, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787 or froeschle@stevenscollege.edu until April 20, 2010.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 10-678. Filed for public inspection April 9, 2010, 9:00 a.m.]
